Supreme Court, U.S.
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No. 85-1513

IN THE

Supreme Court of the United States

OCTOBER TERM, 1985

EDWIN W. EDWARDS, in his Official Capacity as
Governor of Louisiana, WILLIAM J. GUSTE, JR.,
in his Official Capacity as Attorney General
of Louisiana, LOUISIANA DEPARTMENT OF
EDUCATION, and THOMAS G. CLAUSEN,
in his Official Capacity as Superintendent
of Education of Louisiana,
Appellants,

v.

DON AGUILLARD *et al.*,
Appellees.

ON APPEAL FROM THE
UNITED STATES COURT OF APPEALS FOR THE
FIFTH CIRCUIT

JOINT APPENDIX
VOLUME 1

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JURISDICTIONAL STATEMENT FILED MARCH 25, 1986
PROBABLE JURISDICTION NOTED MAY 5, 1986

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No. 85-1513

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

EDWIN W. EDWARDS, in his Official Capacity as Governor of Louisiana, WILLIAM J. GUSTE, JR., in his Official Capacity as Attorney General of Louisiana, LOUISIANA DEPARTMENT OF EDUCATION, and THOMAS G. CLAUSEN, in his Official Capacity as Superintendent of Education of Louisiana,
Appellants,

v.

DON AGUILLARD et al.,
Appellees.

ON APPEAL FROM THE
UNITED STATES COURT OF APPEALS FOR THE
FIFTH CIRCUIT

A. SELECTED DOCKET ENTRIES FOR U.S. COURT OF APPEALS

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

DON AGUILLARD et al.,)
)
Plaintiffs-Appellees)
)
v.) NO 85-3030
)
EDWIN W. EDWARDS et al.,)
)
Defendants-Appellants)

SELECTED DOCKET ENTRIES

1/16/65	Notice of Appeal Filed
	* * **
1/22/85	Case Expedited
	* * **
7/3/85	Opinion Rendered
	* * **
7/29/85	Petition for Rehearing * * * En Banc
	* * **
12/12/85	Order Denying Rehearing * * * Dissent by TGG joined by CC, TMR, WG, PEH, RMH and EHJ. Also response to dissent by EGJ.

B. SELECTED DOCKET ENTRIES FOR U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

DON AGUILLARD et al.,)
)
Plaintiffs)
)
v.) NO. 81-4787
) H(5)
EDWIN W. EDWARDS et al.,)
)
Defendants.)

SELECTED DOCKET ENTRIES

* * **

12/3/81	CMPLT - issd 5 S&Cs.

* * **

1/26/82	Pltf's amended complt.

* * **

2/16/82	Defts' MTN & ORDER granting an additional twenty (20) days or until 3/8/82 to answer.

* * **

2/25/82	Board of Elementary & Secondary Education & its member's mtn to dismiss or in the alternative to stay.

* * **

3/18/82 ORDER & REASONS (granting stay).

* * **

8/9/82 M.E. 8/9/82: Stay order entered 3/18/82 is VACATED. Mtn to dism filed by all defts except the St. Tammany Parrish School Board sched. for hrg 8/25/82 @ 9A.M.

* * **

9/22/82 La. Board of Elementary & Secondary Education's MTN & ORDER permitting same to realign as a pty pltf.

* * **

11/22/82 ORDER & REASONS FOR JUDGMENT - BESE'S MTN FOR SUMMARY JUDGMENT GRANTED.

* * **

11/24/82 JUDGMENT in favor of La. State Board of Elementary and Secondary Education declaring Balanced Treatment for Creation Science and Evolution Science Act of the 1981 Regular Session of La. Legislature unconstitutional under Louisiana Constitution and enjoining all defts from giving effect to this Statute.

* * **

12/20/82	NOTICE OF APPEAL
	* * **
12/8/83	FIFTH CIRCUIT COURT OF APPEALS: Decision of District Court REVERSED, REMANDED & ISSUED AS MANDATE 12/5/83.
	* * **
9/12/84	Pltfs' Mtn for summ judg submitted on briefs. No hrg. set.
9/11/84	Defts' mtn for oral hearing & oral evidence & order unsigned.
	* * **
9/11/84	Mtn of State of La., La. Attorney General, & Governor of La. & ORDER that all depos taken in connection with *Keith v. Louisiana Dept of Education*, No. 81-989B, are incorporated into action.
9/18/84	M.E.: 9-17-84; Defts' Mtn for oral hrg & oral evidence is DENIED.
9/26/84	Defts' oppos to pltfs' mtn for summ judg.
10/5/84	Reply Memo of Points and Authorities in Supt of Pltfs' Mtn for Summ Judgmnt.
10/22/84	ANSWER
	* * **

1/10/85	REASONS FOR JUDGMENT. (AGD)
1/11/85	JUDGMENT; ORDERED that there be judgment declaring Act 685 of the 1981 Regular Session of the Louisiana Legislature unconstitutional & enjoining defts from implementing that Act.
1/16/85	NOTICE OF APPEAL

C. AMENDED COMPLAINT
(R.172)

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DON AGUILLARD; REV. PHILLIP)
ALLEN: DR. PAUL BIESENHERZ;)
RABBI MURRAY BLACKMAN;)
QUENTIN DASTUGUE;)
CHARLES B. DONNELLAN;)
Individually and as father)
and next friend of Mary and)
Kathleen Donnellan;)
DR. MILTON FINGERMAN;)
ANTHONY J. and GAYLE GAGLIANO;)
Individually and as parents)
and next friends of Lisa)
Gagliano) CIVIL
REV. WILLIAM W. HATCHER;) ACTION
LOUISIANA FEDERATION OF) NO. 81-4787
TEACHERS;)
LOUISIANA SCIENCE TEACHERS)
ASSOCIATION;) SECTION H
FR. GEORGE LUNDY;)
REV. JAMES H. MONROE;)
NATIONAL ASSOCIATION OF) AMENDED
BIOLOGY TEACHERS, INC.;) COMPLAINT
NATIONAL COALITION FOR)
PUBLIC EDUCATION AND)
RELIGIOUS LIBERTY;)
NATIONAL SCIENCE SUPERVISORS ASSOCIATION;)
NATIONAL SCIENCE TEACHERS)
ASSOCIATION;)
RABBINICAL COUNCIL OF)
NEW ORLEANS;)
REV. F.T. SCHUMACHER;)
NANCY SCHWEITZER;)
BISHOP KENNETH SHAMBLIN;)
REV. LONNIE M. SIBLEY;)
KEITH STERZING; Individually and as father and)
next friend of Lara)

and Peter Sterzing)
REV. JAMES L. STOVALL;)
UNIVERSITY OF NEW ORLEANS)
FEDERATION OF TEACHERS;)
DR. MALCOLM COFFIN WEBB; Individually and as father and next friend of Peter and Joel Webb)
REV. CHARLES S. WOMELSDORF;)
AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE,)
)
Plaintiffs,)
)
and THE ORLEANS PARISH SCHOOL BOARD,)
)
Realigned Plaintiff,)
)
v.)
)
DAVID C. TREEN, in his official capacity as Governor of the State of Louisiana;)
WILLIAM J. GUSTE, JR., in his official capacity as Attorney General of the State of Louisiana;)
THE LOUISIANA STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION;)
THE STATE DEPARTMENT OF EDUCATION;)
THE ST. TAMMANY PARISH SCHOOL BOARD; and)
J. KELLY NIX, in his official capacity as State Superintendent of Education,)
)
Defendants.)

I. JURISDICTION

1. The court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) for causes of action arising under the First and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1983, and 28 U.S.C. §§ 2201 and 2202.

II. NATURE OF THE ACTION

2. This is an action for declaratory and injunctive relief declaring Act 685 of 1981, Acts of Louisiana, known as the "Balanced Treatment for Creation-Science and Evolution-Science Act" (hereafter, the "Creationism Act"), in violation of the First and Fourteenth Amendments to the Constitution of the United States and of 42 U.S.C. § 1983, and enjoining its implementation or enforcement.

3. The Creationism Act (a) constitutes an establishment of religion, (b) abridges the academic freedom of both teachers and students, and (c) is impermissibly vague, all in violation of the Constitution and laws of the United States.

4. Plaintiffs request injunctive relief prohibiting Defendants from in any way enforcing the provisions of the Creationism Act, including the promulgation of any rules or regulations incident thereto, or the approval, selection, purchase or use of any "Creationism" textbooks or materials.

5. By initiating this action, Plaintiffs are neither anti-religion nor asserting the final truth of any theory of evolution. Many of the Plaintiffs are deeply religious and believe religion is important in personal, family and community life. Other Plaintiffs are science professionals committed to the scientific method of in-

quiry, which necessarily rejects all claims to final truth and perpetually tests for flaws in existing scientific theories. All Plaintiffs are united in the firm conviction that religion is strengthened by its complete separation from government.

III. PLAINTIFFS

6. Plaintiffs are:

(a) Donald Aguillard teaches biology at Acadiana High School in Lafayette, Louisiana. He sues as a citizen and a taxpayer of Louisiana and the school district wherein he resides, and as a teacher subject to the Creationism Act.

(b) Rev. Phillip Allen is the minister of the Parkview Baptist Church in Monroe, Louisiana where he resides. He sues as a citizen and a taxpayer of Louisiana and the school district wherein he resides, and as a religious person who supports separation of church and state.

(c) Dr. Paul Biesenherz is the Chairman of the Department of Curriculum and Instruction at the University of New Orleans. He believes creationism is a religious doctrine, not a scientific one and that to require it taught violates his First Amendment rights and his rights to academic freedom. He resides in New Orleans, Louisiana. He sues as a citizen and taxpayer of Louisiana and the Orleans Parish School District.

(d) Rabbi Murray Blackman is the rabbi of the Temple Sinai Congregation in New Orleans. He resides in New Orleans. He sues as a citizen and taxpayer of Louisiana and the Orleans Parish School District, and as a religious person who supports separation of church and state.

(e) Quentin Dastugue is a duly

elected member of the House of Representatives of the Louisiana Legislature, where he spoke against and voted against enacting the Creationism Act. He believes creationism is a religious doctrine, not a scientific one, and that to require it taught in Louisiana violates his First Amendment rights. He resides in Metairie, Louisiana. He sues as a citizen and taxpayer of Louisiana and the Jefferson Parish School district.

(f) Charles B. Donnellan resides in New Orleans, Louisiana. He is the father of Mary and Kathleen Donnellan who attend the Orleans Parish public schools. He sues as a citizen and taxpayer of Louisiana and the Orleans Parish School District, and as a parent and on behalf of his minor children.

(g) Dr. Milton Fingerman is the Chairman of the Biology Department of Tulane University in New Orleans. He believes creationism is a religious doctrine, not a scientific one and that to require it taught violates his First Amendment rights. He resides in New Orleans, Louisiana. He sues as a citizen and taxpayer of Louisiana and the Orleans Parish School District.

(h) Anthony J. and Gayle Gagliano reside in New Orleans, Louisiana. They are the parents of Lisa Gagliano, who attends the Orleans Parish public schools. They sue as citizens and taxpayers of Louisiana and the Orleans Parish School District and as parents on behalf of their minor child.

(i) Rev. William W. Hatcher is The General Presbyter of the Presbytery of the Pines, which includes north Louisiana. He resides in Ruston, Louisiana. He sues as a citizen and taxpayer of Louisiana and the school district within which he resides and as a religious person who supports separation of church and state.

(j) Louisiana Federation of Teachers is a labor union with several thousand member teachers who teach in public schools (elementary, secondary and higher education) throughout Louisiana including biology teachers and teachers of other subjects that might be covered by the Creationism Act. It sues on behalf of its members and itself. It believes that creationism is a religious doctrine, not a scientific one and requiring creationism taught violates the First Amendment rights and rights to academic freedom of the Federation and its members.

(k) Louisiana Science Teachers Association is an organization of science teachers throughout Louisiana, including many public school teachers who will be covered by the Creationism Act. It is an affiliate of the National Science Teachers Association. It believes creationism is a religious doctrine, not a scientific one and that requiring it taught violates teachers and students First Amendment rights and their rights to academic freedom. It sues on behalf of itself and its members.

(l) Father George Lundy is a Catholic priest residing in New Orleans, Louisiana. He sues as a citizen and taxpayer of Louisiana and the Orleans Parish School District, and as a religious person who supports separation of church and state.

(m) Rev. James H. Monroe is the General Presbyter of the Presbytery of South Louisiana. He resides in Baton Rouge, Louisiana. He sues as a citizen and taxpayer of Louisiana and the school district wherein he resides and as a religious person who supports separation of church and state.

(n) The National Association of Biology Teachers, Inc. is a nationwide organization of biology teachers chartered as a non-profit corporation under the laws of Illinois and registered to do business in Louisiana. Its members include biology teachers in public and private secondary schools and colleges, including secondary public schools in Louisiana. Evolution is usually taught in secondary schools as part of the biology curriculum. Biology teachers and the Association thus have a total interest in all laws affecting the biology curriculum. The Association has adopted a position, and its members believe, that creationism is not a science but a religious doctrine with no scientific basis or merit. The Association sues on behalf of itself and its members.

(o) National Coalition for Public Education and Religious Liberty (National PEARL) is a coalition of religious educational, charitable and other organizations, all of which believe in separation of church and state. Its principal address is in Washington, D.C., and its participating organizations have members in Lousisiana. National PEARL sues on behalf of itself and its members.

(p) The National Science Supervisors Association is a division affiliate of the National Science Teachers Association. Its members are supervisors of science education at all levels of public and private education throughout the United States, including Louisiana. These supervisors and the Association have a vital interest in all laws affecting the science curriculums. The Association and its members believe that creationism is not a science but a religious doctrine with no scientific basis or merit. The Association sues on behalf of itself and its members.

(q) The National Science Teachers

Association is an organization of science teachers, science education professionals and organizations of both. It has members in Louisiana and is dedicated to the advancement and improvement of science education. These members and the Association have a vital interest in all laws affecting science curriculums. The Association and its members believe that creationism is not a science but a religious doctrine and has no scientific basis or merit. The Association sues on behalf of itself and its members.

(r) The Rabbinical Council of New Orleans is made up of all the rabbis of all the Jewish congregations in the greater New Orleans area. These rabbis are residents and taxpayers of Louisiana and the school districts wherein they reside. As religious leaders they and their Council are vitally interested in the preservation and protection of the separation of church and state. The Council sues on behalf of itself and its members.

(s) Rev. F. T. Schumacher is the minister of St. Matthews United Church of Christ in New Orleans. He resides in New Orleans. He sues as a citizen and a taxpayer of Louisiana and Orleans Parish School District, and as a religious person who supports separation of church and state.

(t) Nancy Schweitzer teaches biology and earth science at Baton Rouge High School, a public school in Baton Rouge, Louisiana. She sues as a citizen and taxpayer of Louisiana and the school district wherein she resides, and as a teacher subject to the Creationism Act.

(u) Bishop Kenneth Shamblin is the Bishop of the United Methodist Church in Louisiana. He resides in Baton Rouge, Louisiana. He sues as a citizen and taxpayer of Louisiana and the school district wherein he resides, and as a religious person who supports separation of church and state.

(v) Rev. Lonnie M. Sibley is the pastor of the Elizabeth Sullivan Memorial United Methodist Church in Bogalusa, Louisiana. He resides in Bogalusa, Louisiana. He sues as a citizen and taxpayer of Louisiana and the school district wherein he resides, and as a religious person who supports the separation of church and state.

(w) Keith Sterzing resides in Slidell, Louisiana. He is the father of Lara and Peter Sterzing, who attend St. Tammany Parish public schools. He sues as a citizen and taxpayer of Louisiana and the St. Tammany School District and as a parent and on behalf of his minor children.

(x) Rev. James L. Stovall is a minister and the executive director of the Louisiana Interchurch Conference. He resides in Baton Rouge, Louisiana. He sues as a citizen and taxpayer of Louisiana and the school district wherein he resides, and as a religious person who supports the separation of church and state.

(y) The University of New Orleans Federation of Teachers is a labor union whose members teach at a state university in New Orleans and many of whom teach courses in education that will be affected by the Creationism Act. The Federation is affiliated with the Louisiana Federation of Teachers. The Federation and its members believe that creationism is a religious doctrine, not a scientific one and that requiring it taught violates their First Amendment rights and their rights to academic freedom. The Federation sues on behalf of itself and its members.

(z) Dr. Malcolm Coffin Webb resides in New Orleans, Louisiana. He is the father of Peter and Joel Webb, who attend

Orleans Parish public schools. He sues as a citizen and taxpayer of Louisiana and the Orleans Parish School District and as a parent and on behalf of his minor children.

(aa) Rev. Charles S. Womelsdorf is the rector of the St. John's Episcopal Church in Thibodaux, Louisiana. He resides in Thibodaux, Louisiana. He sues as a citizen and taxpayer of Louisiana and the school district wherein he resides, and as a religious person who supports the separation of church and state.

(bb) The American Association for the Advancement of Science is the world's largest association of scientific organizations. Individual scientists and others interested in supporting the Association's aims and activities are also members, including approximately 1200 members in Louisiana. The Association and its members believe that creationism is not a science but a religious doctrine and has no scientific basis or merit. The Association sues on behalf of itself and its members.

(cc) The Orleans Parish School Board is a political subdivision of the State of Louisiana and a corporate body with the power to sue and be sued. It operates the public school system in its parish. It was originally sued as a defendant and was realigned as a plaintiff by this Court's order of January 14, 1982.

IV. DEFENDANTS

7. Defendants are:

(a) David C. Treen is Governor of the State of Louisiana charged by the Constitution of the State of Louisiana to see that the laws of the State are faithfully executed, who signed the Creationism Act, thus making it law, and who is charged by said Act with the duty of designating seven "creation-scientists" to provide resource services in the development of curriculum guides to any city or parish school board to teach "Creationism" (La. Const. Art. 4, § 5(A); L.S.A.-R.S. 17:286.7B).

(b) William J. Guste, Jr., is Attorney General of the State of Louisiana charged by the Constitution of the State of Louisiana with the authority to protect any right or interest of the State, who is acting to enforce the Creationism Act (La. Const. Art. 4, § 8).

(c) The Louisiana State Board of Elementary and Secondary Education is a body corporate empowered to sue and be sued and given the power and responsibility to supervise and control the public and elementary and secondary schools in Louisiana, including but not limited to the authority to prescribe and adopt free school books and other materials of instruction for the children of Louisiana at the elementary and secondary level and to prepare and adopt or approve course of study for the schools under its jurisdiction (L.S.A.-R.S. 17:6 and 7).

(d) The State Department of Education is under the immediate direction and control of the State Superintendent of Education and among other constitutional and statutory duties has established a program to provide for in-service educational training for teachers in the public schools systems of Louisiana (L.S.A.R.S.17:24-24.5).

(e) The St. Tammany Parish School Board is a political subdivision of the State of Louisiana and a corporate body with the power to sue and be sued. It operates the public school system within its parish.

(f) J. Kelly Nix is the State

Superintendent of Education charged with executing and implementing the educational policies and programs of the State Board of Elementary and Secondary Education and with administering the State Department of Eduation.

8. The State Department of Education, with the approval of the State Board of Elementary and Secondary Education, as part of the Louisiana competency-based education program (L.S.A.-R.S.17:24.4E) has developed and established and continues to develop and establish statewide curriculum standards for required subjects to be taught in the public schools of Louisiana. The standards developed and established for biology and for earth science require instruction concerning evolution.

9. At all times relevant herein, each Defendant acted and continues to act under color of state law.

V. FIRST CAUSE OF ACTION

10. At the regular legislative session of 1981 the Louisiana Legislature enacted, and thereafter, the Governor signed, the Creationism Act, a copy of which is attached hereto, marked Exhibit A and incorporated herein by reference.

11. The Creationism Act defines two subjects, which it labels "creation-science" and "evolution-science". The Act does not require that either be taught, but provides that if either is taught, there must be "balanced treatment" of the other in all public secondary and elementary schools (hereafter, "public schools"). The Creationism Act requires implementation of its provisions during the school year beginning in the Fall of 1982. On information and belief, relying upon the Creationism Act, some public schools will begin teaching

"creation-science" immediately and, under compulsion of the Act, some public schools will teach "creation-science" during the 1982 school year.

12. The Creationism Act was not drafted by any Louisiana legislator or legislative employee. To the contrary, it was conceived and drafted by employees of "Creationism" organizations, who subscribed to a "fundamentalist" religious belief that the universe, energy and life were all created by a Divine Creator, as described in Genesis. These same "Creationism" organizations produce and sell for profit "Creationism" textbooks and materials and would therefore profit financially from the passage and implementation of the Creationism Act. In furtherance of these religious and financial objectives, the "Creationism" organizations are vigorously promoting legislation virtually identical to the Creationism Act in

many other States.

13. The words "creation" and "creation-science," as used in the Creationism Act, constitute religious doctrine. They embody and reflect particular religious beliefs not shared by adherents of other religious beliefs, or by those who hold no religious beliefs.

14. "Creation," as used in the Creationism Act, necessarily encompasses the concept of a supernatural Creator. "Creation-science," as used in the Creationism Act, necessarily encompasses the concept of a supernatural Creator.

15. The concept of a supernatural Creator is itself an inherently religious belief. "Creation-science" cannot be taught without reference to that religious belief in a Creator. The writings, textbooks and materials of proponents of Creationism consistently acknowledge that the concepts of

"Creation" and of a Divine Creator are inextricably intertwined.

16. The so-called "creation-science" defined in the Creationism Act is not science. Any scientific statement must be subject to disproof. Because Creationism posits or concludes a supernatural Creator and supernatural processes, it is not subject to disproof. The writing, textbooks and materials of proponents of Creationism consistently so acknowledge.

17. The Creationism Act constitutes an establishment of religion in violation of the First and Fourteenth Amendments to the Constitution of the United States. The Creationism Act does not have a secular legislative purpose. Its principal and primary effect is to advance religion. It fosters excessive government entanglement with religion, and creates the potential for political divisiveness along religious lines.

18. To obey and carry out the Creationism Act the Defendants are spending and will continue to spend large amounts of taxpayer funds to purchase textbooks, train and supervise teachers, develop curriculum and otherwise implement the Act.

19. Declaratory and injunctive relief are necessary because Plaintiffs have no adequate remedy at law.

VI. SECOND CAUSE OF ACTION

20. Plaintiffs repeat and reallege paragraphs 1 through 19 hereof.

21. The Creationism Act abridges the constitutionally protected academic freedom rights of both teachers and students.

22. The Creationism Act requires the Plaintiff teachers and other teachers to teach as science a doctrine which they, as professionals, believe has no scientific

basis or merit. By requiring "balanced treatment" of "creation-science" and "evolution-science," it prohibits the Plaintiff teachers and other teachers from expressing, and students from learning, the teachers' professional opinions concerning the relative scientific strengths or weaknesses of either.

23. On information and belief, in order to avoid having to teach "creation-science," a substantial number of teachers will refrain from teaching "evolution-science" as well, thereby depriving their students of the constitutionally protected right to acquire useful knowledge.

VII. THIRD CAUSE OF ACTION

24. Plaintiffs repeat and reallege paragraphs 1 through 23 hereof.

25. The Creationism Act is unconsti-

tutionally vague. Although the Creationism Act effects sensitive First Amendment rights, it is not narrowly tailored to achieve a compelling governmental interest in the least restrictive manner; its provisions are internally inconsistent; it does not give teachers fair notice of what can or cannot be taught; and it gives to school officials virtually unfettered discretion arbitrarily and capriciously to enforce its provisions.

WHEREFORE, Plaintiffs respectfully request:

1. An order declaring the Creationism Act unconstitutional in violation of the First and Fourteenth Amendments to the Constitution of the United States;

2. An injunction prohibiting Defendants and their agents, successors, and employees, from taking any steps to implement the Creationism Act, including the promulgation of any rules or regulations incident

thereto, or the approval, selection, purchase or use of any "Creationism" textbooks or materials;

3. An order granting Plaintiffs costs and reasonable attorneys' fees; and

4. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

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PLEASE SERVE:

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The Louisiana State Board of Elementary and Secondary Education through its Director, Mr. James V. Soileau, Education Building, 626 N. 4th Street, Baton Rouge, Louisiana, Room-104

The State Department of Education and J. Kelly Nix, through Mr. Nix, 626 N. 4th

Street, Baton Rouge, Louisiana, Room-1200

The Orleans Parish School Board through its President, Mack J. Spears or its Secretary, Freda Depolite, at 4100 Touro Street, New Orleans, Louisiana 70119

The St. Tammany Parish School Board through its President, Frank W. Scharp, at Rt. 2 Box 121, Covington, Louisiana or at Central Office of School Board, W. 17th Street, Covington, Louisiana 70433

D. ANSWER
(R.546)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

DON AGUILLARD, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	81-4787
EDWIN W. EDWARDS,	)	SECTION H
et al.,	)	
	)	
Defendants.	)	

ANSWER

The defendants EDWIN W. EDWARDS, in his official capacity as Governor of the State of Louisiana, WILLIAM J. GUSTE, JR., in his official capacity as Attorney General of the State of Louisiana, STATE DEPARTMENT OF EDUCATION, and DR. THOMAS G. CLAUSEN, in his official capacity as Superintendent of Education of the State of Louisiana, state the following Answer to the plaintiffs' Complaint:

A. FIRST DEFENSE

The defendants plead that the "Balanced Treatment for Creation-Science and Evolution-Science Act" (hereinafter the "Balanced Treatment Act") fully conforms to the Constitution and laws of the United States as follows:

1. The Balanced Treatment Act fully conforms to the establishment clause of the First and Fourteenth Amendments of the U.S. Constitution. (a) The establishment clause permits reference to creation or a creator in public school classes including science classes. (b) Balanced treatment for creation-science and evolution is constitutional under alternative approaches to the tripart test under the establishment clause. (c) Balanced treatment is constitutional under the tripart test because it has a primary effect of

advancing academic freedom and providing more scientific information, a legislative purpose of advancing academic freedom, and no excessive entanglement between church and state. (d) The establishment clause does not require a total wall of "complete separation" between church and state, and in fact the U.S. Supreme Court has recently and "uniformly rejected" an "absolutist approach in applying the establishment clause". (e) Creation-science is as scientific, as nonreligious, and as educationally valuable as evolution.

2. The Balanced Treatment Act advances and does not abridge academic freedom under the First and Fourteenth Amendments to the U.S. Constitution. (a) It advances the academic freedom of public school students by providing additional nonreligious scientific information. (b) It advances the academic freedom of public

school teachers to teach more scientific information, without intruding on the narrow teacher discretion at the elementary and secondary levels over curriculum selection. (c) Balanced treatment for creation-science and evolution is as educationally meritorious as exclusive instruction in evolution, in providing additional scientific information and in embodying the approach of contrasting explanations on the subject.

3. The Balanced Treatment Act fully conforms to the due process requirements of the Fourteenth Amendment to the U.S. Constitution.

B. SECOND DEFENSE

The defendants state the following with regard to the particular paragraphs of the plaintiffs' Complaint:

I. JURISDICTION

1. Admitted.

II. NATURE OF THE ACTION

2. Denied, except admitted that the plaintiffs' action is as described. Subject to this denial, the "Balanced Treatment for Creation-Science and Evolution-Science Act" (hereafter the Balanced Treatment Act") does not violate the First or Fourteenth Amendment to the United States Constitution, and Act is not properly called the "Creationism Act."

3. Denied. Subject to this denial, the Balanced Treatment Act (a) fully conforms to the establishment clause, (b) advances and does not abridge the academic freedom of both students and teachers, and (c) conforms to the due process clause and is not impermissibly vague, all in confor-

mity with the Constitution and laws of the United States.

4. Denied, except admitted that the plaintiffs seek the relief described.

5. Admitted, subject to the following. (a) The U.S. Supreme Court has recently and uniformly rejected the "complete separaration" interpretation of the establishment clause that the plaintiffs support, and has instead adopted an interpretation of the stablishment clause that is consistent with balanced treatment for creation-science and evolution. (b) Although plaintiffs state that they are not "anti-religion," many advocates of evolution interpret it to rule out the existence of God and to disprove all religions. (c) Although plaintiffs state that they are not "asserting the final truth of any theory of evolution," their position defends the exclusive presentation of evolution and the

exclusion of any scientific alternative in public school classrooms. (d) All defendants are united in the firm conviction that the establishment clause should be fully enforced in its constitutional meaning but should not be applied with the "absolutist approach" that the U.S. Supreme Court has "uniformly rejected."

III. PLAINTIFFS

6. Admitted, except denied that creation-science "is a religious doctrine" and "not a scientific one"; and denied that "to require it taught violates . . . First Amendment rights" or "rights to academic freedom"; and denied that the plaintiff organizations speak in this action for all their members.

IV. DEFENDANTS

7. Admitted, except for the fol-

lowing: (a) Edwin W. Edwards is currently Governor of the State of Louisiana, and is not restricted by the Balanced Treatment Act from designating seven evolutionist scientists along with the seven creationist scientists to constitute an informal advisory group, for which no state funds are authorized to be spent. (c) The Louisiana State Board of Elementary and Secondary Education has been realigned as a party plaintiff. (f) Dr. Thomas G. Clausen currently is the Superintendent of Education.

8. Admitted.

9. Admitted.

V. FIRST CAUSE OF ACTION

10. Admitted, except that the "Balanced Treatment for Creation-Science and Evolution-Science Act" is not properly called the "Creationism Act," and this objection is made to each use of the phrase

"Creationism Act" in the Complaint. The Balanced Treatment Act was passed by a vote of 71 to 19 in the Louisiana House of Representatives and 26 to 12 in the Louisiana Senate.

11. Admitted, except denied for lack of information and belief that any public schools have already begun giving balanced treatment to creation-science and evolution or will do so during the pendency of this action.

12. Denied. Subject to this denial: (a) The Balanced Treatment Act was substantially redrafted by the Louisiana Legislature. (b) The draft bill that was sent to the Louisiana Legislature (by Mr. Paul Ellwanger) was neither "conceived and drafted by employees of 'creationism' [sic] organizations" nor by a person who "subscribed to a 'fundamentalist' religious belief." (c) The activities of creationist

organizations, if any, are not relevant to the constitutionality of the Louisiana Balanced Treatment Act. (d) The political activity of some advocates is parallel for creation-science and evolution in this country.

13. Denied. Subject to this denial: (a) Creation-science is not religious doctrine, but is as nonreligious and as scientific as evolution (as further described in paragraphs 14 and 16 below). (b) Creation-science is not religious under the meaning of "religion" in the establishment clause as interpreted by the U.S. Supreme Court, or under definitions of religion given by most theologians and philosophers of religion. (c) Evolution and creation-science are equally nonreligious in their parallel consistency with various world views (d) Evolution and creation-science are equally nonreligious in their parallel con-

sistency with various religions and in certain other aspects.

14. Denied. Subject to this denial: (a) Creation-science is as nonreligious as evolution. (b) The concept of "creation" is not inherently religious but is instead a proper scientific conclusion from the empirical scientific evidence supporting creation-science, as evidenced by the use of "creation" in philosophy and history, in the big bang hypothesis, in the inflationary universe hypothesis, in the continuous creation hypothesis, in the directed panspermia hypothesis, and in other nonreligious scientific hypotheses. (c) The term "creation," as used in connection with creation-science, means origin through abrupt appearance in complex form. (d) The concept of a "creator" is not necessarily religious or supernatural, as evidenced in the nonsupernatural and nonreligious role

of a creator in the directed panspermia hypothesis, the "creative intelligence" hypothesis, and other nonreligious approaches of scientists. (e) The concept of a "creator" is not central to creation-science when properly defined, as evidenced in definitions of "creation-science" or "creation" by many supporters and many opponents; and the concept of a "creator" is not necessarily a part of presenting creation-science in the public school classrooom. (f) The concept of a "creator" has been held not to be "religious" within the meaning of the establishment clause by the U.S. Supreme Court. (g) The concept of a "creator" has a parallel relation to evolution and creation-science in that each has implications about the existence of a creator, so that many evolutionist scientists draw the implication from evolution that there is no creator while others draw the implication that there is a creator; modern science in fact arose from a historical foundation of belief in a creator.

15. Denied.

16. Denied. Subject to this denial: (a) Creation-science is as scientific as evolution. (b) Creation-science is scientific as it is defined in the Balanced Treatment Act, as "the scientific evidences for creation and inferences from those scientific evidences." (c) Creation-science is scientific in content in that it consists of affirmative scientific data and interpretations, in the scientific fields of paleontology, comparative morphology, information content, statistical probability, genetics, classification, comparative anatomy, comparative biochemistry, isomer analysis, thermodynamics, and other evidences and interpretations. (d) Creation-science includes biological creation (of organisms),

biochemical creation (of the first life), and cosmic creation (of the universe), just as evolution includes biological evolution (of species), biochemical evolution (of the first life) and cosmic evolution (of the universe). (e) Creation-science is as scientific as evolution under most if not all prevailing definitions of science. (f) The requirement of falsifiability (being subject to disproof) is not a requirement of science, and in fact is rejected by many or most philosophers of science as a line of demarcation between science and nonscience (and as a necessary or sufficient condition for being scientific. (g) The requirements of testability, tentativeness, and guidance and explanation by natural laws are not requirements of science, and in fact are rejected by most philosophers of science as constituting a line of demarcation between science and nonscience (and as necessary or sufficient conditions for being scientific). (h) Creation-science is as falsifiable, as testable, as tentative, and as guided by and explanatory by natural laws as is evolution. (i) Creation-science is the sole scientific alternative to evolution at present. (j) Balanced treatment for creation-science and evolution is as educationally meritorious as exclusive instruction in evolution, because it provides additional scientific information and implements the educational approach of presenting contrasting explanations.

17. Denied. Subject to this denial: (a) The establishment clause, as interpreted by the U.S. Supreme Court, permits reference to creation and to a creator (although that is not necessary in presenting creation-science) in public school classes including science classes. (b) Balanced treatment for creation-science and

evolution is constitutional under the alternative historical test for the establishment clause. (c) The Balanced Treatment Act has a constitutional legislative purpose under the tripart test to the establishment clause, which is a secular legislative purpose of advancing academic freedom, as indicated in the statutory language and the official legislative history. The establishment clause requires only "a" secular legislative purpose, and prohibits only an exclusive nonsecular purpose; and the views of individual legislators and particularly of nonlegislators are irrelevant to the legislature's purpose. (d) The Balanced Treatment Act has a constitutional primary effect under the tripart test, which is to advance academic freedom and to provide more scientific information, while ending the exclusion of some scientific information, in public school classrooms. The establishment clause is not violated by laws that are merely consistent with or harmonize with religious beliefs, under U.S. Supreme Court precedent. (e) The Balanced Treatment Act is constitutional in not producing excessive entanglement under the tripart test, because no further textbook screening or classroom monitoring is necessary than already occurs and than already has been upheld by the U.S. Supreme Court. The concept of "political divisiveness along religious lines" has been significantly restricted by the U.S. Supreme Court recently to cases involving financial subsidies to religious schools, and does not apply to the present case in light of those decisions. (f) The establishment clause does not require a total wall of "complete separation" between church and state, and as interpreted by the U.S. Supreme Court and by its intended meaning and early history does not in any way prohibit balanced treatment for creation-science and evolution.

18. Denied.

19. Denied.

VI. SECOND CAUSE OF ACTION

20. Admitted that plaintiffs repeat and reallege paragraphs 1 through 19 of their Complaint; and defendants hereby repeat and reallege paragraphs 1 through 19 of this Answer.

21. Denied. Subject to this denial: (a) The Balanced Treatment Act advances the academic freedom of public school students to receive scientific nonreligious information, by providing additional scientific nonreligious information and ending exclusion of that information. (b) The Balanced Treatment Act advances the academic freedom of public school teachers to

teach additional scientific nonreligious information, while ending exclusion of that information.

22. Denied for lack of knowledge or information sufficient to form a belief as to truth or falsity of sentence one, and denied for sentence two. Subject to this denial: (a) The position advocated by the plaintiffs prohibits creationist teachers and some other teachers from teaching as science an explanation that they as professionals believe has a scientific basis and scientific merit. (b) The Balanced Treatment Act does not in any way prohibit plaintiff teachers or other teachers from expressing, or students from learning, the teachers' professional opinions concerning the relative scientific strengths or weaknesses of either creation-science or evolution.

23. Denied, for lack of know-

ledge or information sufficient to form a belief as to the truth or falsity thereof. Subject to this denial, the circumstance described by the plaintiffs would not be unconstitutional.

VII. THIRD CAUSE OF ACTION

24. Admitted that plaintiffs repeat and reallege paragraphs 1 through 23 of their Complaint; and defendants hereby repeat and reallege paragraphs 1 through 23 of this Answer.

25. Denied. Subject to this denial: (a) The Balanced Treatment Act advances rather than restricts academic freedom, and so need not achieve a compelling state interest by the least burdensome means; and the broad state authority and narrow teacher discretion toward curriculum selection at the elementary and secondary school levels does not require satisfaction of this

compelling interest test. (b) The Balanced Treatment Act does give teachers fair notice of what can be taught (creation-science and evolution) and what cannot be taught (religious doctrine). (c) The Balanced Treatment Act does not give school officials "virtually unfettered discretion arbitrarily and capriciously to enforce its provisions," but simply requires them to provide balanced treatment (as defined) for two scientific explanations (as defined).

WHEREFORE, the defendants respectfully request:

1. An order declaring the Balanced Treatment Act constitutional in conformity with the First and Fourteenth Amendments to the Constitution of the United States;

2. An order denying the injunction prayed for by the plaintiffs (although the defendants have stipulated to and are

willing to stipulate to a preliminary injunction during the pendency of this litigation);

3. An order granting the defendants' costs in this action; and

4. Such other and further relief as the Court deems just and proper.

C. DEMAND FOR TRIAL BY JURY

Please take notice that the defendants demand trial by jury in this action, or in the alternative request an advisory jury pursuant to Rule 39(c) of the Federal Rules of Civil Procedure.

Dated October __, 1984.

Respectfully submitted,

WILLIAM J. GUSTE, JR.
Attorney General

KENDALL L. VICK
Chief Counsel to the Attorney
General

[SIGNATURES CONTINUED ON NEXT PAGE]

PATRICIA NALLEY BOWERS
Assistant Attorney
General

WENDELL R. BIRD
Special Assistant
Attorney General

[REMAINING SIGNATURES DELETED]

E. LEGISLATIVE TRANSCRIPTS AND OTHER DOCUMENTS IN SUPPORT OF SUMMARY JUDGMENT (AUTHENTICATED BY PFEFFER AFFIDAVIT)

NOTE: THE PAGINATION IN THE ORIGINAL TRANSCRIPTS IS GIVEN IN BRACKETS, AND IS CITED IN THE BRIEF OF APPELLANTS.

[EXHIBIT E-A]

[1]

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

--------------------------------------- x

DON AGUILLARD, et al.,

Plaintiffs,

EDWIN W. EDWARDS, in his official capacity as Governor of Louisiana,

Defendants.

--------------------------------------- x

Civil Action No.
81-4787
Section H

AFFIDAVIT

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

ALAN PFEFFER, being sworn, states:

1. I am associated with the firm of Paul, Weiss, Rifkind, Wharton &

[EXHIBIT E-A]

Garrison, attorneys for plaintiffs Don Aguillard et al.

2. I submit this affidavit in support of plaintiffs' motion for summary judgment and, in particular, to set before the Court the following documentary exhibits:

(A) the certified legislative history of Act 685.

(B) a letter, dated August 5, 1980, from Paul Ellwanger to Louisiana State Senator Bill Keith.

(C) a letter, dated September 8, 1980, from Paul Ellwanger to Louisiana State Senator Bill Keith. [2]

(D) a letter, dated September 9, 1980, from Paul Ellwanger to Louisiana State Senator Bill Keith.

(E) the opinion of the Court in McCreary v. Stone, No. 83-9052 slip op. (2d Cir. June 21, 1984).

[EXHIBIT E-A]

(F) the opinion of the Court in Hendren v. Campbell No. S 577-0139, slip op. (April 14, 1977 Sup. Ct. Marion Co., Ind.),

(G) the Arkansas balanced treatment act, Act 590 of 1981, enacted as Ark. Stat. Ann. Section 80-1663 et seq. (1981 Supp.),

(H) the Opinion of the Attorney General of The State of Oregon regarding the constitutionality of House Bill 2633, (the balanced treatment act) 41 Op. Atty. Gen 281 Or. and 42 Op. Atty Gen. 44,

(I) the Opinion of the Attorney General of The State of Maryland, regarding the constitutionality of House Bill 1078, (the balanced treatment act) letter from Attorney General Stephen H. Sachs and Assistant Attorney General Ellen M. Heller to Delegate

[EXHIBIT E-A]

Patrick C. Scannello, (February 23, 1982).

(J) the Opinion of the Attorney General of The State of South Carolina, regarding the constitutionality of the "Balanced Treatment for Scientific-Creationism and Evolution Act", State of South Carolina, Office of The Attorney General (November 8, 1979),[3]

(K) the opinion of the Court in Greater Houston Chapter of American Civil Liberties Union v. Eckels, No. H-82-0035 slip op. (S.D. Tex. May 22, 1984),

(L) the report issued by the State of Louisiana, Department of Education, Office of Research and Development, "Status Assessment: Act 685 - Balanced Treatment for Creation-Science and Evolution-Science" (November 1981),

[EXHIBIT E-A]

(M) various newspaper excerpts, exclusively from newspapers located within the State of Louisiana, which refer to and report on the politically divisive decisions of the Louisiana Legislature first, to enact Act 685 and second, to refuse to repeal Act 685.

3. To my best personal knowledge, the attached copies of the above-listed documents are true, complete and correct.

Sworn to before me this
11th day of September, 1984

LORRAINE L. BATES

Notary Public

[EXHIBIT E-A]

[4]

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Elementary, Secondary, and Vo-Tech Education, November 25, 1980 E-33

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G Arkansas Act 590 of 1981 E-777

H Opinion of the Attorney General of the State of Oregon, 41 Op. Att'y Gen. 281 (Or. 1980) and 42 Op. Att'y Gen. 44 (1981) E-778

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K *Greater Houston Chapter of the American Civil Liberties Union* v. *Eckels*, C. A. No. H-82-0035, slip opinion (S.D. Tex. May 22, 1984) E-781

L State of Louisiana Department of Education, Office of Research and Development, *Status Assessment: Act 685-Balanced Treatment for Creation-Science and Evolution-Science* (November 1981) E-782

M Contemporary Excerpts from Louisiana Newspapers E-853

[EXHIBIT E-A]

[7]

CHRONOLOGY OF ACT 685

June 1980	EXHIBIT A-1 Sen. Keith introduces S.B. 956
June 19, 1980	EXHIBIT A-2 Hearings on S.B. 956 before Senate Education Committee
June 24, 1980	EXHIBIT A-3 Hearings continued, action on bill deferred, Study Resolution filed
------------	Senate approves Study Resolution

[EXHIBIT E-A]

July 12, 1980	House approves Study Resolution
Nov. 25, 1980	EXHIBIT A-4 Hearings pursuant to Study Resolution before Joint Subcommittee on Elementary, Secondary and Vo-Tech Education
--------------	EXHIBIT A-5 Handouts
Dec. 16, 1980	EXHIBIT A-6 Hearings continued
March 12, 1981	Meeting of Joint Committee on Education
April 20, 1981	EXHIBIT A-7 Senator Keith introduces

[EXHIBIT E-A]

S.B. 86

May 21, 1981	EXHIBIT A-8 Hearings on S.B. 86 before Senate Committee on Education
May 28, 1981	EXHIBIT A-9 Hearings continued June 1, 1981
------------	EXHIBIT A-10 Amendments
June 1, 1981	Committee reports S.B. 86 to Senate with amendments
June 2, 1981	Senate passes S.B. 86 with amendments
June 25, 1981	EXHIBIT A-11 Hearings on S.B. 86 before House Education Committee

[EXHIBIT E-A]

------------	EXHIBIT A-12 Amendments
June 27, 1981	Committee reports S.B. 86 to House with amendments
------------	EXHIBIT A-13 Bill
July 6, 1981	House defeats floor amendments and passes S.B. 86 as amended
------------	EXHIBIT A-14 Amendments
July 8, 1981	Senate passes S.B. 86 as amended by House
July 20, 1981	Governor signs S.B. 86 with statement

[EXHIBIT E-A(1)]

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Section, to be designated R.S. 17:275, to assure academic freedom by requiring the teaching of the theory of creation ex nihilo in all public schools where the theory of evolution is taught and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 275 of Title 17 of the Louisiana Revised Statutes of 1950 is hereby enacted to read as follows:

Section 275. Theory of evolution and theory of creation ex nihilo; teaching in public schools

[EXHIBIT E-A(1)]

A. As used in this section:

(1) "Theory of evolution" means the belief that present processes, acting essentially as at present, suffice to explain the past history of the cosmos, including its assumed evolutionary development from primeval chaos into its present form. The origin and development of the elements, the galaxy, the solar system, of life, of all the species of plants and animals, the origin of man, and the origin of all things are included in this cosmology. Matter or energy, or both, in some form are assumed to be eternal, so that there has never been any real creation of anything ex nihilo, as used in this definition.

(2) "Theory of creation ex nihilo means the belief that the origin of the elements, the galaxy, the solar

[EXHIBIT E-A(1)]

system, of life, of all the species of plants and animals, the origin of man, and the origin of all things and their processes and relationships were created ex nihilo and fixed by God.

B. In all public elementary and secondary schools within this state, lectures, visual aids, textbooks, other prepared subject matter, curricula, course guides, course outlines, and other administrative curricular matter teaching any theory of evolution shall be presented only in conjunction with teaching creation, and teaching any theory of creation shall be presented only in conjunction with teaching evolution, and such material shall be equal in content and in context in teaching creation and the theory of evolution.

[EXHIBIT E-A(1)]

C. The State Board of Elementary and Secondary Education shall adopt regulations to insure that the equal instruction in the "theory of evolution" and the "theory of creation ex nihilo" required by this Section is given effect.

D. Nothing in this Section shall be construed as a control on discussion. Nothing in this section shall be construed so as to prevent the use of dual textbooks or teaching materials, or both, to achieve the equal content requirements of this Section

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and

[EXHIBIT E-A(1)]

to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

* * * *

Keith Act SB No. 956

Provides that any teaching in public elementary and secondary schools of the theory of evolution shall be done in conjunction with equal teaching of the theory of creation ex nihilo, and any teaching of the theory of creation ex nihilo shall be done in conjunction with equal teaching of the theory of evolution. Requires the State Board of Elementary and Secondary Education to adopt regulations to insure such equal teaching in the public schools.

[EXHIBIT E-A(2)]

SENATE EDUCATION COMMITTEE

June 19, 1980

[1] SENATOR KEITH: Members of the committee: You have before you Senate Bill No. 956 which simply reduced to the simplest terms would require that in our public school systems in our primary and secondary school systems across this state that anywhere the theory of evolution is taught in these schools that along side the teaching of evolution, you would have the teaching of what we will be referring to today as scientific creationism. I come to you this morning because we have a problem not only in this state but in other states relative to the constitutionality of teaching only one of these concepts. In 1961 in the Supreme Court Case which handled the [unintelligible] decision,

[EXHIBIT E-A(2)]

the Supreme Court ruled that secular humanism is a bona fide religion. Gentlemen, they declared secular humanism a bona fide religion. If you have ever read the humanist manifesto, you would have discovered that the hallmark of secular humanism is evolution. Therefore, we have a constitutional problem that has been raised in the Harvard Law Review, the Yale Law Review, and in my own effort to determine more on this issue and to try and find out more about this matter, I have consulted with a constitutional lawyer in Atlanta, Georgia. He is Judge Braswell Deen, the Chief Judge of the Appellate Court in Atlanta, Georgia, a man who has spent years writing law review articles, studying law [2] reviews, studying Supreme Court decisions on this matter and before I

[EXHIBIT E-A(2)]

introduce to you our first speaker. I want to read to you this note that I received only two days ago from Judge Deen. Having been adjunct professor of constitutional law, having lectured on origins, creation and evolution from a legal viewpoint, and having studied and researched this legal issue for many years, it is my belief that the passage of your bill to teach scientific creationism or scientific evidences or scientific principles of creation, as well as evolution, are not only constitutional, but failure to teach either one without the other is in my opinion placing the government and the school boards in an unneutral position which would be unconstitutional. You should teach both or teach neither and you have neutrality and constitutionality. Therefore, I would respectfully

[EXHIBIT E-A(2)]

submit to you today, that it is a matter of the constitution that has been ruled on in various Supreme Court decisions that it is wrong and unconstitutional to teach only secular humanism in our public schools and therefore, my request today is that we teach both scientific creationism alongside evolution. Today I have with me Mr. Luther Sunderland who is an aerospace engineer with the General Electric Company in Bingington, New York. Mr. Sunderland has studied scientific creationism and all its ramifications for more than 15 years and I am going to ask him to make the major portion of our presentation today. Then we will have some other people to testify.

MR. LUTHER SUNDERLAND: Thank you very much for allowing me to be here [3] today just as a concerned private

[EXHIBIT E-A(2)]

citizen who has been working for about two years with our state education department on this subject. The reason I am here is because of the activities that are being carried on there in New York. Sen. Keith thought you might like to hear how both of these concepts and origins can be taught in our public schools and have been taught in some schools for instance in New York State. As the senator mentioned, we do have a nationwide ground swell coming from within the scientific community on this subject. This is not coming from the religious community. It is not just a question of religion versus science as many have contended. I thought you would like to see a presentation which was given to our New York State Board of Regents and has been given to colleges and universities throughout the country.

[EXHIBIT E-A(2)]

This presentation has been in place in Indicott, New York for a year and we have had very good results. This was recorded in the CBS Evening News, Walter Cronkite Show. It has been given to New York State Science's Supervisors Association and many other science supervisor association. I will proceed as this presentation is given now in our public schools in New York State. Since the beginning of time, man has been very concerned about origins and he has been able to think about two concepts or two general frameworks for how everything came about. One of these is creation and the other is evolution. Now someone might come up with a third idea, but these are the [4] only two basic concepts we have ever heard of. It is true that neither of these is truly a scientific theory because neither meets

[EXHIBIT E-A(2)]

any of the qualifications of a true scientific theory. Neither evolution nor creation can be repeated. It cannot be observed. It cannot be tested and there is no way that you can think of to seek out to rebuke them. You cannot rebuke evolution. You cannot test or observe it. It takes too many thousands of years to bring out any significant change. If creation were true, it is a unique historic event not witnessed by any human observers. Therefore, neither of these are truly scientific theories. They are however, proper scientific type hypothesis or models and we can take a look at the body of the scientific data in the world and compare it against these two general models, creation and evolution, to see which fits the facts better. We need to define for the students these two general models. This

[EXHIBIT E-A(2)]

is really about all that is involved in teaching the two models in the schools. We define the evolution model and this is how it is taught now in virtually every public school system from kindergarten through university. This is the concept that all living things have originated from a single source or single cell which originated due to property inherent in matter alone. This first cell spontaneously arose from a non living matter, the universe likewise spontaneously originated out of nothing or perhaps some [unintelligible] matter over of course a long period of time. There is no confusion on the issue. This is called the Particles [5] to People, the molecule for man concept. I have had no disagreement anywhere about that general evolution model. Now the creation model on the other hand as is

[EXHIBIT E-A(2)]

acceptable to be taught in any public school system is the following: the universe could not have generated itself according to every known basic law in science that we know about today. Therefore, this model postulates that everything was created by some intelligence or power external to the universe. The original organisms that were created, whatever these kinds were, were functionally complete when created including man. Man was ready to go when he hit this earth, so was every other originally created organism. These organisms had within their genes a capability to vary and survive in a changing environment, whether it was hot or cold, wet or dry, they would roll with the punches and survive. Now we cannot precisely define the created kind but perhaps there was some mankind,

[EXHIBIT E-A(2)]

dogkind, and horsekind, etc. and from these we have gotten the many varieties. We know genetically how you can get this variation or microevolution as it is called. This is not a characteristic only particular to the creation law. You cannot define a species either because one attempt is that a species are reproduced isolated units. Yet, most coyotes, jackals, and dogs are all different species and yet they can interbreed. Both models agree on the following: that all dogs probably came from some common wolflike creature, everything from the tiny chihuahua to the great dane. The [6] evolutionists say that this goes back to a single cell tracing a common ancestory linneage. The creationist says that no, there is a dead end. You can only go so far. There is no evidence whatsoever that a

[EXHIBIT E-A(2)]

dog ever came from a total different organism like a reptile or a fish. Charles Darwin of course is the first to popularize this concept about 100 years ago when he noticed as a brilliant naturalist although his only training was in theology, and he dropped out of that and got into work as a naturalist on the board of [unintelligible] an observed variations in finch's feet. For instance, on different islands off South America. He reasoned that if a finch's feet could vary this much, why couldn't man have come all the way up from an amoeba. Now the only direct scientific evidence on the subject. Absolutely, the only direct evidence and this is agreed upon by evolutionists and creationists alike that is to be found in the fossil record. There are uncountable billions of fossils in the

[EXHIBIT E-A(2)]

rocks. Two thirds of the earth's surface is covered by sedimentary rocks which were formed when sediments, sand, etc. settled underwater and were later hardened by some agent trapping within them billions and billions of fossils. These are up to ten miles thick in places. As we look at these fossils, huge boneyards like the 800 billion [unintelligible] fossils in one formation alone in South America and in South Africa, we can see which is more reasonable. We can evaluate the fossil record and other scientific evidences against the creation model and the evolution model. That is [7] all we do in the science classroom. There is no religion brought into it whatsoever other than just these two basic concepts that can be derived strictly from observing the scientific data. Today, I

[EXHIBIT E-A(2)]

am just going to look at the fossil record although there are these other subjects of embryology, genetics, etc. but we won't have time to get into that. Now if evolution were true, what would you expect to find. You would expect to find some progression from this single cell, two celled or three celled than in the simple [unintelligible] and [unintelligible] feeding into fishes, fishes growing, feet and legs becoming amphibians and amphibians becoming hard shells and eggs becoming reptiles, reptiles growing feathers, and simply becoming birds, or growing hair and becoming mammals. Now if creation were true, what would you expect to find. If creation were true, you would expect to find every organism fully developed and fully functional when it first appeared in the fossil record. A dragonfly

[EXHIBIT E-A(2)]

should be 100 % dragonfly. A fish, a fish. A man, a man. Now it should be this. Very simple. Very elementary. To observe the fossil record and see which of this occurred. It should not be difficult to recognize an eyeball where there was none. It is necessary to refer to the geologic column, divided up into three areas. This is a hypothetical arrangement of rocks made about 100 years ago in England and Scotland, by man observing those rocks in New York State and some in Russia. On a time scale has been put with this supposed hypothetical arrangement of rocks and if [8] you don't agree with that timescale, don't be upset. That has been millions of years. Because over the last 100 years, the age of the earth has been doubling on the average of once every 15 years. At any one

[EXHIBIT E-A(2)]

time, scientists knew just how old the earth was, just stick around, it is going to double. Now, when I went to school, it was 2 billion years old, prior to that, it was 1 billion. Now it is up to 4.5 and scientists are talking about moving it up to 9 billion years. We just use in the school system the current time scale although we don't necessarily say that that is a scientific fact but is purely an assumption. Now to document this, last year I traveled to 3 of the worlds' largest museums, in Chicago, in New York, and in London. I interviewed their curators on behalf of the state education department's committee on revising their biology facility. I supplied to that committee the typed transcripts of these interviews and I am documenting with these interviews what I

[EXHIBIT E-A(2)]

say here today. We ask students which do you think now the data is going to support, creation or evolution. Well, the very bottom rock called Cambrian rocks, the deepest rocks that contain any indisputable fossils, contains something very surprising to most people. They contain representatives of all the major phyla in the animal kingdom. All major phyla. They are very highly complex creatures. Most of them are sea bottom creatures. There are starfish, jellyfish, clam, there are even now found fully developed vertebrate fishes right there in the lowest rock to contain in indisputable fossils. [9] Regarding, cavemen, children are always interested in this. All I will say is there is not enough time to talk about the fact that there is no connection, that there is no

[EXHIBIT E-A(2)]

evidence the origination of these original primates. I just interviewed Dr. Pilbeam of Yale that has a museum there and he said that I am now convinced although I felt very strongly five years ago to the contrary, I am convinced that we will never know the answer to mans' evolution. That is the very latest up to date thinking. He is working with the Leakeys over in Africa. I just talked to Mary Leakey at an evolution conference in February. She is working over there with him and they really don't know the answer of where came from. We think students should be presented with these two basic concepts. By the way, the deepest rocks in the Grand Canyon right at the bottom of the camera show very highly complex pine pollen of six different kinds of pine trees right in the Cambrian Rocks all

[EXHIBIT E-A(2)]

the way up and down the Grand Canyon. They can't even imagine an evolutionary sequence for plants. We ask the students now. Is there any evidence. Do you see evidence of this gradual progression. Or do you see evidence of a sudden appearance and fully formed. Now notice, I have not mentioned religion. You do not need to talk about these two models. Objective science is simply the evaluation of scientific data letting the students make up their own mind. That is all that we are advocating. It works like magic in a school system. Really there are no big problems. Certainly, [10] you have to get materials. We have stacks of them. You can look at these books. See for yourself. Public school editions with no religion whatsoever. We can ask students which models fit the data

[EXHIBIT E-A(2)]

better. How many steps would be better for an eyeball to come out of nothing by a slow random process. How many transitions have been found. I have not told you what Dr. Patterson says. He said if I knew of any fossil living, I would certainly have included them. This letter by the way is on the attachment in your handout. What are the requirements of scientific theory. What is the difference between conjecture and facts. When students learn from the two model approach, scientifically controlled tests show that they do a far better job than even learning about evolution than students that are indoctrinated in using censored school books that have this kind of data that I have been using censored out of them. All that we are asking for is open unbiased education in the

[EXHIBIT E-A(2)]

classroom. We think your students deserve. New York State we hope will be one of the leaders in this but in two weeks they hope to complete their study. Thank you very much.

STANLEY MORRIS: I have been in the field of science education of the State of Louisiana for 28 years. Presently, I teach physics and astronomy at Southern University. I have taught the evolutionist viewpoint both in high school and at the college level. Between 1972 and 1978, I developed a teaching module on the theory of evolution for the Institute of Services to [11] Education, Washington, D.C. I have coordinated the evolution versus creationism debate for Southern Univ. for the past five years. The more I taught evolution, the more convinced I was that at most it was a fragile

[EXHIBIT E-A(2)]

viewpoint, therefore, it was my opinion that the theory of evolution was not the only possibility that might explain the past history of the universe and the biological forms found therein. Therefore, I believe that each child has a right to make up his own mind on the issues of creation versus evolution. A student cannot do that unless he is well informed about both sides. At the present time, only one side is being presented. That is a viewpoint representing an unproven theory called evolution. Therefore, I respectfully urge that this committee give a favorable report to Senate Bill No. 956. Thank You.

KEN SANDERFORD: I am Ken Sanderford, Assistant Professor at Louisiana Tech at Ruston, La. To put this into perspective and to try and

[EXHIBIT E-A(2)]

reduce a lot of big words and little words I know it is noontime and you are tired, and if you haven't been following the presentation that well, let me just ask you a few questions instead of giving you a lot of facts. All evolutionists are saying that the world came into being by "a big thing" or something like this but they did not answer the question as to where the material came from. An approach (inaudible) We are asking very simply for the analysis of scientific data in the form of creationism along side an analysis of scientific data in the form of evolution and let people make their own [12] mind up. This is a democracy. This is what it is supposed to be all about.

BYRON YOUNG: I am a professor at LSU. It is my belief that scientists

[EXHIBIT E-A(2)]

should be exposed to all sorts of theories. Some of theories are very competent. Comments from all sources in our democratic society is what makes America great. If we lost this greatness in our public schools, and teach it to our students. Since neither of these theories have been proven absolutely, their acceptance is strictly a personal choice. We should not restrict the knowledge of our students by omitting one theory in deference to another. To do so would be to deny our students to make judgments themselves. Teaching of science needs to be unhindered by prejudice assumptions. All possibilities should be considered objectively, not opportunity ruled out. The individual teacher may have his own opinion about the theories but he has an obligation to present all theories. In

[EXHIBIT E-A(2)]

the interest of recording true scientific in accordance with our democratic ideas. I advocate presenting both theories as theories.

SEN. KEITH: Gentlemen, that concludes our presentation. I would like to be able to close following the opposition's statements.

SEN. BRINKHAUS: Sen. McLeod, we have two other people to testify.

SEN McLEOD: Well, it is 12:30. It is apparent that they are not going to be able to finish.

SEN BRINKHAUS: Well, the fact of the matter is that we not longer have a quorum. Well, Madam Attorney, what am I supposed to do. [13]

MS. BURKHART: You cannot take official action.

SEN. BRINKHAUS: Senator Keith, I don't know if you have heard our

[EXHIBIT E-A(2)]

conversation from the chair, but the only official action we can take without a quorum is to adjourn. I am not doing that. I am just stating a fact of what the chair can do. We will go on for a few more minutes in hopes that a member can be rounded up.

BABS MINHENNETE: I won't take but a minute. I think if you teach children that they are evolved from apes, then they will start acting like apes. If we teach them possibly that they were created by an Almighty God, then they will believe that they were a creature of God and start acting like one of God's children.

DON MCGEHEE: I am with the Department of Education, as a science consultant, ex-biology, chemistry teacher. I represent a science community. I just want to clarify a few

[EXHIBIT E-A(2)]

things about evolution and creationism. What is science? Science is a body of knowledge and an investigating process. Science seems to explain natural phenomenon by implying of a scientific method. You go through a process. These processes tend to explain the happenings of our world. Science is not an indoctrination process. In going through the specific processes of scientific method the theory of evolution does not meet that criteria. The theory of evolution is designed to answer the question of how and not deal with who or why. Creationism is generally a religious belief. You have to watch about these legal ramifications of this legislation involving the first amendment, [14] separation of church and state. We know that the process of evolution occurs. It occurs daily.

[EXHIBIT E-A(2)]

Look at the drug resistant microorganisms. We use evolution to explain the happenings in a scientific community. In working with many organizations around the country, the national association of Biology Teachers, The National Science Teacher's Association, The National Association for the Advancement of Science, The Council of State Science Supervisors, have developed petition papers opposing this legislation. I ask you to look at the legislation that has been introduced in other state legislatures. Science teachers feel that either a strict separation of church and state should be mandated or guidelines should be provided to local schools for making their own decisions. In reviewing religious leaders, conservative and liberal denominations, they felt that

[EXHIBIT E-A(2)]

religion deals with the who and why questions of [unintelligible] origins while science deals with the how. Teachers should recognize the personal validity of alternative beliefs but then should direct student inquiries to the appropriate institutions for further explanation. We in the science community realize the validity of the [unintelligible] but it does not follow with the domain of science communication. Thank you for your attention.

SENATOR BRINKHAUS: We have been informed that it is now 12:30. The meeting will stand adjourned.

[CERTIFICATION OMITTED]

[EXHIBIT E-A(3)]

[1] SENATE COMMITTEE ON EDUCATION

June 24, 1980

SEN. BRINKHAUS: We were in mid-hearing on this measure last week which lasted some 50 minutes and at the appointed hour at the end of the discussion, we had not completed our discussion and were to recommence today.

SEN. KEITH: Mr. Chairman, and members of the committee. I appreciate very much your patience last week on the very lengthy presentation we made concerning the possibility of teaching scientific creationism in our public schools alongside any school where the theory of evolution is taught. I would like to ask the committee today if you would respectfully consider a study resolution on the subject of scientific creationism that would give us a year to

[EXHIBIT E-A(3)]

look at the subject from all aspects and determine if this is a viable issue and if this is a legitimate argument. We would also have the value, the Board of Regents of the State of New York, have just completed a two year study of this very study, scientific creationism and it is my understanding that sometime this week the state of New York is expected to adopt that proposal and therefore we would have the value of all of that information available to us. Also, the Dallas Texas school system, the Tampa Florida school system, the 13 school systems in Georgia, the school systems in Indiana, Tennessee, [2] and a number of other states have adopted textbooks that deal with scientific origins that relate those scientific origins to a creator and if you gentlemen would so see fit, I would

[EXHIBIT E-A(3)]

respectully request you to adopt a study resolution whereby this subject could be studied for a year.

SEN. BRINKHAUS: That would be in lieu of Senate Bill No. 956. The correct procedure Ms. Burkhart would be for us to defer action on this measure and then a motion by the committee for us to authorize the study resolution.

SEN. KEITH: I was very delighted last week when Gov. Treen came out very strongly in favor of teaching scientific creationism in our public schools. I don't know what that necessarily means to this committee but it meant a great deal to me personally.

SEN. BRINKHAUS: Senator Picard has made a motion that we defer action on Senate Bill No. 956. Is there any objection? Hearing none, the motion to defer is passed. Senator Picard has

[EXHIBIT E-A(3)]

made another motion that the committee would file a study resolution with Sen. Keith as lead author and the committee members to authorize the study of scientific creationism.

[CERTIFICATION OMITTED]

[EXHIBIT E-A(4)]

[1] SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VO-TECH EDUCATION

NOVEMBER 25, 1980

SEN. KEITH: Mr. Chairman, members of the committee, I appreciate the time that you have taken aside to come here today to hear this presentation concerning scientific creationism and I hope that the things that transpire here today will not only be very informative to you but quite enlightening and helpful to you to make a very momentous decision on your approach to what you will tell the legislature about this particular subject. I hope that you will keep an open mind this morning. I hope that you will not be biased by a report that you might have seen somewhere or something that you have read about this subject but I hope you

[EXHIBIT E-A(4)]

will keep an open mind and look at this subject on its merits and not on some preconceived idea. There are only two major concepts on how the origin of this earth came about. One of those concepts tells us that man and the world just evolved through natural circumstances. This is commonly as the theory or the teaching of evolution. However, there is another concept of how things came about. How the origins came about. And that is known as scientific creationism. Now keep in mind that there are two major basic concepts on how the world and how the people and the plants were formed. Today, in our public schools, only one of those concepts are being taught, and that is the theory of evolution. In our major [2] thrust today will be to try and convey to you the importance of not censoring those

[EXHIBIT E-A(4)]

scientific evidences that point to a special creation. Now, let me tell you what we are not going to be saying today. We are not going to be saying that you should do away with the teaching of evolution in schools. We are not going to say today that you should have some kind of religious instructions in our schools. I want you to keep a second principle in mind. We are not talking about religion today. We are talking about truth. I am not proposing that we take the Bible in each science class and read the first chapter of Genesis and try to make a case for scientific creationism. You may have read that that was my intent somewhere or you may have heard that that was my intent, but that is not my intent. All that I am interested in having in scientific creationism is the truth

[EXHIBIT E-A(4)]

about those evidences that support the concept of special creation. Now if you will look in the packet of materials that was given you, you will have a copy of the bill that will serve as the framework that will be presented the next legislature. We will begin trying to establish what we are talking about. This would be an act to require balance treatment science and evolution science in public schools, to protect academic freedom by providing student choice, to insure freedom of religious exercises, to guarantee freedom of belief and speech, to prevent establishment of religion, and at that point gentlemen, I would like to digress this very briefly. In the Supreme Court decision of 1963 in Torcaso versus [3] Watkins, the U. S. Supreme Court declared that secular humanism is , a bona fide religion. It

[EXHIBIT E-A(4)]

meets all the criteria for a religion. The number one tennant of secular humanism is the theory of evolution, so I would say to you today that the Supreme Court has already told us that religion is being taught in our public schools system wherever evolution is being taught. We simply think that is unfair. Clarence Darrow in his closing arguments before the sculpt trial in an early generation that it is absolutely bigotry to teach only one viewpoint. I agree with Mr. Darrow on that statement and that it is censorship to teach only one viewpoint. I would just reiterate that since the U S Supreme Court in 1963 in the Torcaso decision determined that secular humanism is a bonafide religion, I say to you that we are teaching religion in our schools and that it is unconstitutional. Either we need to

[EXHIBIT E-A(4)]

take the teaching of the religion of secular humanism out of our public schools and teach neither or we need to teach both. That is the basic premise that we will present to you today. I want to say three basic additional things. First of all, it is my opinion and based upon the studies that I have done and studies of people that are capable in the field of constitutional law that teaching scientific creationism in our public schools is correct. If you will look at another document, there is a letter from Judge Braswell Deen from the Appellate Court from the State of Georgia. Judge Deen has worked on this subject for over a decade. He is the chief judge on the Court of Appeals in [4] the State of Georgia. "Having been an adjunct professor of constitutional law, having lectured on

[EXHIBIT E-A(4)]

origins, creation and evolution from a legal viewpoint, and having studied and researched this legal issue for many years, it is my belief that the passage of your bill to teach scientific creationism or scientific evidences and scientific principles of creationism as well as evolution are not only constitutional but failure to teach one without the other is in my opinion, placing the government and the school board in our unneutral position which would be unconstitutional. Teach both or teach neither and you have neutrality and constitutionality. Not only do I feel that it is constitutionally correct but I believe that it is educationally sound and we will have a number of people testify before this hearing today that will make the case for the fact that it i's educationally sound. I would

[EXHIBIT E-A(4)]

just like to inform the committee members that the Dallas, Texas school system recently instituted the teaching of scientific creationism, the Tampa, Florida school system is now teaching scientific creationism, 13 counties in Georgia at the present time are teaching this subject, other counties in Ohio, West Virginia, Wisconsin, and Arizona. There are a number of textbooks, and I think there are more than a dozen textbooks. This is one of the textbooks that is available. Most of the states where this subject is being taught, they have a textbook list and they let the educators themselves pick from that textbook list. The one that they feel is best suited for their [5] particular classroom. Third, I think that something we need to keep in mind is that this subject is politically safe.

[EXHIBIT E-A(4)]

I know that there is that element that will tell you we will try and go back to the dark ages. They will say Sen. Keith is trying to impose his moral values, his own morale concepts on the legislature and on the State of Louisiana. I have read this until it makes me sick. This is not my intent. My intent is that we have the truth. I believe that you want that as well and I believe that is your responsibility to try and determine what is the truth and go from there. It is politically safe. The Tampa, Florida ran a poll in their newspaper and it showed that ninety percent of the parents wanted scientific creationism taught, three or four per cent said they did not want and the rest did not have an opinion. The only poll that I am acquainted with in the State of Louisiana was one that was run by the

[EXHIBIT E-A(4)]

Shreveport Journal newspaper where 70 percent of the people said that they wanted creationism taught in the schools and a few said they did not and the rest were undecided. I am saying to you today that it is politically safe. I know that this is a question that always comes into someone's mind. In conclusion, I would just say that censorship of scientific evidences in our school that point to special creation is wrong and I hope that during the testimony that you will be hearing today that you will feel free to ask questions from these people that you will be hearing from and pay very close attention because some of these people have worked for weeks [6] in this preparation and they have come a long way just to testify before this committee. Sen. Picard, I think you

[EXHIBIT E-A(4)]

have a list of those that will testify. I think if you would allow me I would like to call on Dr. Edward Boudreaux who is professor of chemistry at the University of New Orleans as our first witness.

SEN. PICARD: Thank you Senator, we will ask each member to come forward and identify themselves before they testify.

DR. BOUDREAUX: My name is Dr. Edward Boudreaux. I am professor of chemistry at the University of New Orleans. I have been with the UNO for 18 years in the capacity of teaching chemistry. My fields of specialty are primarily in organic and theoretical chemistry and chemical physicists. Within the past seven years, I have been involved in creation research science and have acquired extended expertise in the area as an astrophysicist,

[EXHIBIT E-A(4)]

cosmology, biochemistry, biophysics, in the area of sciences. What I want to present to you today is science. I have no intention of trying to revive the [unintelligible] trial or any elements that Sen. Keith presented to you already. Our intention is truth and as a scientist, I am interested in truth. My interest in creation research is in the interest of science. It has an element of overtone of my own personal religious convictions, but I am not here to implement on that at all. Let us begin with, you know I feel a bit like Solomon, as he looked and handpicked his beautiful concubine on his wedding night and says, "I know what to do but I don't know [7] quite where to start". That is the issue that is facing us today. The lest I be accused of maybe saying something having pornographic overtones,

[EXHIBIT E-A(4)]

I would like to think that maybe Solomon was a scientist and he was looking at his problems in maybe a scientific light and says maybe let us approach it systematically to a conclusion. That is what science tells us today. I am going to present to you evidence that you have already documented in your handout and I am going to try and be as brief as possible. I am not here to give you a proverbial snow job, nor am I here to bore you with scientific details that you could care less about. I must go into the area that evolutionist claims to be well rooted. Without doing that, we cannot possibly show that it is one sided picture. The first point is a little history. How did it all come about. When did this business of evolution become a question. It never did become a question until 1859 when

[EXHIBIT E-A(4)]

Charles Darwin published his famous book, "Origin of Species". In order to know something about that, we have to go into the history of Darwin's life. I simply want to point out to you that if you had read the history of Darwin's life, you will find out that he had associations with a number of individuals at this time. His association with these men were very instrumental and effective in bringing about his own personal philosophies of life. These men are what we term today as [unintelligible] humanist. They are basically atheistic in their morale attitude. Darwin actually engrained in his [8] truths at the time. His father had considerable advances in science and most of Charles' evidence was a rehash of his father's data. You know that unless the risk the danger of being

[EXHIBIT E-A(4)]

accused of telling lies I would say fairly confidently that a large portion of Charles Darwin's documentation is not originally his own. Now, the important thing about that documentation is it was not very scientific. It had a purpose. It's purpose was to initiate and to foster a philosophy, a humanistic philosophy. Now in order to understand why would science become involve in a humanistic society philosophy, we have to understand something about the times in Europe of Charles Darwin's day. There was economic unrest, social unrest, people were sick and tired of theologians or the church telling them they were wrong about this and wrong about that. It came upon the tailend of a long witch hunt. So they were ready for something new. They were ready to accept something. They wanted to hear

[EXHIBIT E-A(4)]

something different. Science was making great inroads at the time. Inroads were phenomenal. Great discoveries were being made about the electronic nature of matter etc. Consequently, the door was open. Here was a popular ongoing area, and that was the bandwagon to get on. That is precisely the way it was done.

REP. M. THOMPSON: Dr. Boudreaux, you made reference to Darwin's purpose. I wondering if you could cite me any writings of Darwin which would indicate this purpose. The premise that Darwin was [9] trying to sell a new theory to support a certain purpose which he had.

DR. BOUDREAUX: I could cite you writings of analyst that have made that. I am sure that Darwin did not express that in his original purpose.

[EXHIBIT E-A(4)]

REP M. THOMPSON: Is there any reference whatsoever in the book that he wrote.

DR. BOUDREAUX: The excerpts that I have read from the book does not come out and say explicitly what his purpose is but the underlying elements appeared to be there. I have this book here which speaks very clearly to that point. It is a book by Dr. A. N. Field called the "Evolution [unintelligible] Expose" and he speaks in certain chapters about Darwin's purpose in the analysis of Darwin's book and the things I have mentioned to you just now.

REP M. THOMPSON: I am searching for the original source of material, not what someone said about Darwin but rather something in which Darwin himself said or eluded to in any of the writings

[EXHIBIT E-A(4)]

which exposed his purpose. Are those quotes?

DR. BOUDREAUX: I think that is clear here. He quotes those letters. I think those letters speak for themself. I would be happy to let you review that. The method of analysis that I intend to present to you is based upon in short, looking at the issues for which evolutionist say they have an answer. They touch upon basic physics and chemistry and biology and earth science. Let me present as briefly as I can according to the handout, the main issues. For example, the question of energy and matter. A self respecting scientist denies Einsteins famous equation E equals [10] M C square. That equation says simply that energy is equal to mass times the square of the velocity of life cr more simply, it says

[EXHIBIT E-A(4)]

that energy is equal to matter or matter and energy is directly proportioned to each other by a constant of proportionality. The interesting thing about the equation is that it tells you nothing about what specific scientific criteria must be met with that equation to be valid because it is derived from a theory called relativity. The relativity theory of energy and matter. This is itself has purpose, it has use. It is not to say that because it is derived from a certain theoretical model that it is total without any purpose or value. The important thing is that there are other equally valid mathematical approaches, not [unintelligible] upon relativity to say per se that come up with somewhat different conclusions about the relationship between matter and energy.

[EXHIBIT E-A(4)]

not that they are not related but that they are not directly related. Why worry about all that. It is important to worry about that because uniformity revolution says that everything is united from a common source and that common source began with energy. Now the energy is the wheat of all matter. In other words, the evolutionary proposal is somehow by transformation from energy fundamental particles or matter came into being and these in turn formed atoms and molecules on throughout the origin of all matter up to animals, apes and man. An evolutionist must hold an Einstein's equation of [unintelligible] all situations without any reservations, otherwise, you cannot [11] contend with the premise of energy as the beginning of all of this. Now moving on to another point, astrophysics

[EXHIBIT E-A(4)]

in the origin of cosmos. You can look at the popular t.v. program Cosmos and you hear things about the origin of the solar system and how they came to be. And what evolution scientist say is somehow these massive bodies came to be by condensation processes, complex condensation processes involving matter and energy, involving pressure changes in life. They go on to [unintelligible] proof for their contentions. Now there is only one heavenly body of the nature of the start that we have any kind of physical evidence for and that is the sun. If we actually take the scientific data of the sun, the physical and chemical data, and set up a model to test the evolutionary approach of the condensation mechanism which I have done, one can calculate the stabilizing forces are outbalanced by the

[EXHIBIT E-A(4)]

destabilizing forces by 739 times. In other words, it should fly apart. It should not hold together. Now the point is, there must be an ultimate mechanism. It could not have occurred that way. It would not have stabilized itself. We never see in all of these claims among the scientist what evidence there is to support the condensation mechanism other than theoretical arguments. Here is a piece of concrete data which speaks against it. If it speaks against the sun being unstabilized, it will speak against every star, because no one will deny that stars are chemically and physically identical to the sun. What [12] about biological processes. According to the facts of genetics, the only way you can have any substantial variation within a living species is valutation. It is also factual that

[EXHIBIT E-A(4)]

limitations do not lead to improvement in a life form. They lead to deterioration in a life form. In fact, one can calculate that the chances that an indentation would provide and improve life form are negligently small. The example I have given you on the handout is just 10 living entities of the same species. What is the chance that one mutation out of that 10 would produce a more advanced life form. The probability is one part in 36,287 which if you are playing the races, you don't use those kind of odds. There are a number of arguments of this kind. We cannot go through them all today. That is just one example I am reciting to you. I would like to cite a very reknown professor Louis Agassiz. He was in Darwin's time. He was at Harvard University and he was the one to review

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Darwin's original book. I had this statement and he says "If species do not exist at all as the supporters of the transmatation theory maintain, how can they vary. And if individual forms exist, how can the differences which may be observed among them, prove the variability of the species. Agassiz is published very widely at this time. In fact, he is clearly within the limits of biology. That it is impossible for a species to interproduce. In fact, you can calculate the mathematical probability that the similarities even exist at all. The evolutionary proposal defines itself on the record of the fossil [13] eras. The historical record of the fossil evidence can be tested. There is no fault in the way that the fossil record can be documented presumably and accurately by radiometric

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dating. The dating of radioisotopes. Now the techniques of radioisotopes are basically sound scientific techniques. The difficulty does not come so much in techniques. I am here to point out that issue. We have a law of nature which is observed, validated through physical and chemical evidence which says "Left to itself, matter be it inert or living will tend spontaneously in a direction of disorder where the energy is increasing. That is the natural change of the process. Very simply, I can say this. If a person dies, that living human being is a highly organized human unit. When that person dies, gradually decay sets in and it goes on to a more complex biological components to the basic biological molecules and as the scripture says "To dust you return" and that is true and that is the point I am

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trying to make. With that end result is one of greater disarray where energy has been expanded so entropee is the term that is used for that. It simply says that it is a measure of degree of disorder in a substance. What is the issue here? The issue here is if you are going to produce something according to the evolutionary hypothesis, it has to be produced from a less perfect form. In other words, you have to go contrary to the law of entry. The only way you can counter the law is if you have some exterior interaction called the peterbing force in science which redirects it, mainly, you [14] have to have the available energy, you have to have the directing program, and you have to have a conversion mechanism. Otherwise, left to itself, the natural law of entropy will subsist in all areas

[EXHIBIT E-A(4)]

of nature. Another point, Dr. Salsbury of University of Utah, took up the question that evolutionist argue that all life generates from its chemical form because you need chemistry to produce cells and you need cells to produce life. Now the thing is the key molecules of biological molecules that are required for a cell to exist are complex and are very carefully designed, architectured molecules. They are not just something that can go together. DNA is the key molecule to our cell structure. He says we can evolve one DNA molecule from the basic chemiccal components. We are not going to talk about it happening on earth but on numerous climates of exactly the same environment to create this evolutionary condition. His variable as in his probability calculation was give it all

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the time you want. Whatever conditions have to be established, let that also be met. You know what the possibility of that calculation is, that there is one chance divided by [illegible] that that single DNA molecule would evolve, not just on earth but a billion trillion climates just like this. I don't know if you get the impact of that probability, but if you want the expertise of mathematician, one of the foremost mathematician is Anthony Bareille. He says that in the probability analysis, if there is a chance happening in less than one part in ten raised to the [15] fiftieth power, it will never happen. No matter what the conditions are including time. The point is how can we teach in the school system a one sided argument that is not even the truth. I can only say that we are guilty of a lot of

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brainwashing. I have been guilty of it and now I know that it is different and I know quite clearly that we must put science in its objective. We must. We have a duty to educate at all levels from gradeschool on through the college level what is the truth and present its objective. That is our duty as scientist and as educators. I can care less whether I can get a research grant next year. Science does not make research grants, politics does. I enjoy a very good professional reputation. I am not here to expound on my expertise. The point is that I don't really care about that. I care about science as a scientist and I care about truth and I care about education as an educator. That is the point that I am presenting here today. We have to look at the issue in the light of truth, and not

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continue to go along in the dark about this matter. Thank you for your attention.

DR. CHARLES HARLOW: My name is Charles Harlow. I have a Ph.D. in engineering. I live in Baton Rouge. I will try to be very brief in my comments. I was not aware of the committee hearing until yesterday, thus, I did not have a lot of time to prepare a response. I am concerned about the teaching of evolution in the schools contrary to ideas on creation that can be taught. I am concerned as a parent that has children going through the [16] school system in Baton Rouge. I am aware of what they are exposed to and some of the problems that it presents. It happens that I know enough about the topic that I can talk to my children individually and explain some of the

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things they are being taught in relation to other ideas. I think this is essential for people to be able to discuss propositions in evolution that are presented to all of our school children. Unfortunately I think that most people have not thought about this enough except of what is being presented to their children in an uncritical fashion. This is the reason why I support some alternative ideas being presented to children. Now there is no question as the previous speaker just indicated that the theory of evolution is accepted by a large number of the scientific community. I believe it is a part of the accepted dogma as is indicated before and there is a large bit of inertia to keep people moving this way accepting standard ideas that have been presented often times

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uncritical. Scientists have to publish. Scientist have to get research grants. It is very difficult to move against the mainstream of scientific thought in these areas and have your ideas accepted. It can happen in other areas of science not only in natural sciences from where evolution comes. Evolution is a theory and is not just one theory but is a variation of theories. Of course it relies on natural selection and vast time scales of time to make things that we know are impossible when presented to us on a short time scale seem probable. All our experience tells us that one [17] species will not change into another. All our natural experience tell us that [unintelligible] do not change into man. No one has ever observed any one thing like that. We will never know what happened a million

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years ago simply because no one was there and no one recorded it. We cannot run the time back. We can never test any hypothesis that anyone could put out, evolution, creation, or whatsoever. We will never know what happened a million years ago. It is impossible to experiment that. So any ideas that people put forward are little more than conjectures based upon some evidences they have. In fact, it is more like courtroom evidence than scientific theories when people present their evidence, make your arguments and then you decide which one you believe. It is not a scientific area which you verify with experiments. In many [unintelligible], scientific theories have been thrown out because of experiments that reputed some of the basic ideas. As I said before, any

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teaching of how man got here and all the animals, etc. on the earth got here, has tremendous connotations of how we can naturalize and what we all believe. I personally would prefer that neither idea was taught because we do not know what happened a billion years ago and we will never know so all we are doing is putting out conjectures that we cannot substantiate. But if they do insist on teaching evolution and how man got here, then I feel as a parent, as an interested person, the alternative idea should be presented also, because the theory of natural selection has tremendous [18] philosophical, psychological connotations on how we should live our lives. Many people are being influenced by these ideas including some backers of atheistic theories. They rely on many of these

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ideas of how we should live our lives according to natural selection. You can approach this scientifically as I said before. I would like to reiterate. Actually to prove creationism, you only have to show that one species could not have evolved. The proof on evolution is that everything evolves. In fact, scientifically, and logically, you did prove the idea, you only have to prove that one species did not evolve. This is where the arguments arise. The exuberance to promote evolution has already created a number of frauds. These are well documented. They somewhat explain a little bit about why people are so eager to present these ideas. At the turn of the century, the name of the game in many cases was to find your own missing link man. So a large number of these skeletons,

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remnants were found. It got to be a game. There is a special problem with knowing about creation evolution or whatever, one basically must know everything. We are basically talking about the origin of the universe, you must know geology, biology, astronomy. You must know everything that is to be known. Just to wrap up, very quickly, some of the problems with evolution that should be presented on a scientific basis is the basic hypothesis of uniformity. How things change gradually. There is much evidence to the contrary. Like in the fossil record, that occur in many places, [19] that generally require evolutionist to modify their theory according to some of the ideas that appear in standard textbooks at a lower level. Some species have not changed at all

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according to conventional dating going back millions of years. This of course is contrary to the idea that everything is created. There are some other facts. If one assumes uniformity, there is a tremendous decrease in magnetic fields over a period of time. Man has more diligence than is required to survive. We have many concepts of music, religion, art, these are much more highly developed than is just required to survive on this planet with the other animals. Evolution in my mind does not explain the intellectual priority that we have. Much of the information that is shown to be contrary is thrown out. For example, the discoveries of rocks, and man, and footprints that date until the exact same time. Much of the physical evidence from physics shows of course that it was created. The famous

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theories shows no question that the universe was created scientifically. Thank You.

REP. MARY LANDRIEU: I think Sen. Keith that you brought this out in your testimony. You said evolution was a major tennant, religion or Christian theory. And it is a major tennant and I will agree with that. But there are maybe one hundred tennants being taught in our school right now. Evolution is not the only one. They teach [unintelligible] separate and apart from God. They teach psychology, sociology, separate and apart from what God would proclaim as the Christian philosophy and although I [20] think that evolution is what everyone speaks to, the point of beginning when everyone says we want to have two different theories taught, if you followed your theory, your direction

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throughout the education system, you would have to teach two sides to every course in school. It is just not that I don't agree with you, because I personally would like to find a way to do it. I personally would like to see it done. There is the question in my mind. I went to LSU to psychology course and I was appalled at what they teach in textbooks. It is only a one sided way that that is taught. I always thought it was another way, but it is not taught. Teachers have the freedom to teach and they teach whatever is most popular.

REP. M. THOMPSON: Why is the creation theory bother scientist or bother those who file the educational textbooks to the point where it doesn't [unintelligible]. Have you observed any evidence that members of the scientific

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community or educators are seeking to prevent the treatment of both theories. I would just make this observation personally. That is I have heard about the theory of evolution being taught in public schools as when Sen. Keith introduced his resolution last summer. I have not had an opportunity and I don't know if the members of the education committee have had an opportunity to look at the textbooks that we are talking about, the source of materials that are being taught, yet we are hearing complex explanations of the theory of evolution when we have not had an explanation of the problem we would be addressing by the [21] resolution or by any legislation that would be offered in the future. Other than the fact that evolution can be shot down as a theory, cannot be sustantiated, creativity,

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cannot be scientifically substantiated either. However, when we consider the past legislation or whether or not to act upon legislation, we must have a definition of the problem to be solved.

SEN. KEITH: Sir, could I address that question. It has been my intent that included in my bill that we present to the legislature that it would be a year that would be given to the department of education to prepare textbook materials and to prepare the science teachers in teaching both modes of evolution and scientific creationsim. It isn't something we jump into the first year, but I would think that it would take at least a year or maybe even longer for the department of education to get ready to tool up to teach both modes.

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SEN. PICARD: Senator, I wanted to ask you if you have had an opportunity to have someone research or have you researched exactly what is going on in our schools today?

SEN. KEITH: Senator Picard, I first got interested in this subject when my 12 year old son went into a science class in school and they were studying in their textbook. I thought it was commonly understood that in our school textbooks that the theory of evolution is taught. I don't resent the theory being taught. I resent it being taught as fact because I have read dozens of books on the subject myself since the event took place two [22] years ago that has convinced me that it is not a fact. It is a theory. My 12 year old son went into his science class and the teacher asked him "Richard, how

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did the world come about and how was man formed". My son answered "God created the world and God created man." She said "No, Richard, that is not what I am talking about. I want you to, did you study your assignment." He then said, "Yes, Ma'm, I read it more than once." She said "then you studied your assignment that tells how the world was formed and how man came about and yet you still say that God created the world." He said "Yes". She threatened to take my 12 year old to the principal's office if he did not recant and say that he believed that it came forth from some evolutionary force. At that time, I had never even considered the concept of evolution up-to two years ago. I studied it when I was in school and I had never even formed a very strong opinion on it. With that

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incident with that teacher, convinced me that there is bound to be something wrong with that approach in teaching a child. I began to look into it and I discovered that there are hundreds and hundreds of scientist and one thousand men with Ph.D.'s or masters' degrees in science who are affiliated with the creation research institute. There is a group of professors at Louisiana Tech who have formed a creation asociation. There are more than you might realize who have come to espouse this position and many men who are even athiests in the scientific community say that there are evidences that point to special creation. Therefore, that is [23] how I first got interested in this and Senator you might want to recommend to the Research Analyst that they provide us with some information as to what the

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textbooks might be available for our next hearing.

SEN. PICARD: Yes, I have already asked Ms. Burkhart to research this for us and have this ready for our next meeting.

NICK KALIVODA: My name is Nick Kalivoda. I am employed by LSU but I am representing myself. I would like to respond to some of those questions just briefly. I want to be here but just a few minutes. Why more people are not more interested in the creation view if there is a good reason for it. Well, the very fact that we assume something is right just because it is being promoted and it has been around a long time. As a matter of fact, church people are guilty of this also. We have assumed that there are three wise men who came to the manger. We assumed

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there was a star over the manger, and all of you are thinking that it says so in the Bible. No, it does not. That has come to us by way of mythology. We think because we heard songs sung and stories told to us that those things are true. But the Bible does not say those things. It never tells us how many wise men there were. It clearly tells us that the wise men did not go to the manger. It tells us that they went to a house where they found Jesus and the child and the star was over the house not the manger. Now you will have to change your manger scene at Christmas time because it is not valid. We assume so many [24] things today. Scientist have been teaching evolution for so long and building their case. The way a person becomes a scientist is one of our problems. If I were to study science

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today at a major university. I could not get a degree if I did not go along with the evolutionary theory. It is very unlikely that my major professor would ever approve of what I was doing or writing. See, they have a built in protection that way. They multiply their own kind. People generally do not accept evolution as a fact. They tolerate it as a theory. Now, I am not coming as a scientist. I am coming as a communicator. I am interested in freedom of information. This meeting is being held I think to determine whether children will benefit from freedom of information or if they will be handicapped educationally by having little or no information about creation. There can really be no freedom for man if he has no choices. Demagoguery and those political systems which we find

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most offensive to the dignity of man are threatened by information which might expose their weaknesses. If the evolutionary theory were scientific, its proponents would welcome competition so that the truth would be more evident by comparison by other views. Now, I am not interested in teaching religion in schools. As a matter of fact, I am not too interested in teaching religion at all although I teach Bible courses and courses in archaeology in the Bible and have some expertise in those things, I am interested in the truth and people having the opportunity to hear more than one [25] side. Now there are more than one kind of scientist in the world. There are two kinds. Those who believe in evolution and those who don't. The evolutionary scientists say we want science taught our way and they don't

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want the other side to be hurt. I think that is why we are here. Now our refusal to hear the other side implies that all scientist agree, and our children come out of schools thinking that all scientists believe in the evolutionary theory and that is certainly not the case and we do them a disservice to allow that kind of thing to go on. It is reprehensible for anyone who claims to be a scientist or an educator to limit the information from a view that might attack his own view. It is absolutely reprehensible. How does one become a scientist. By going along with the scientist you serve under. Now you can go to a Christian college and become a scientist. There they would promote the creationist view that you would run up on. Our school system seems to want to limit the

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information because they are threatened by the creationist view. I would be happy to answer any questions. I am interested in communication of the truth, so that our children wont be brainwashed by one point of view.

REP. M. THOMPSON: In what way is the school system threatened by the creationist view?

MR. KALAVODA: Men generally don't want to face the fact that there might be a creator. We are bothered by it because we are not related to Him properly. We are threatened by the fact that there might be a creator to whom we have to answer to. That [26] means that when death comes, there is something after that and the very thought of it is repulsive to most people. So, for the evolutionary view to be unheld in the school system by our educators, it is a

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very comfortable one because we do not have to think about a creator and what our responsibility is to Him. So it is better to close out that thought than to even consider it.

SEN. KEITH: Mr. Chairman, we have a principal from Captain Shreve High School in Shreveport. Mr. Tom Ward who will be our next person to testify. He is also a biology teacher.

TOM WARD: I wish I were the principal of Captain Shreve High School. Actually, I am the principal of Shreve Christian School. When I first arrived here today and heard who was going to be speaking, I started wondering what I was doing here. Even though I am not an expert in some of the scientific aspects of the discussion today, I am acutely aware of what it is like to try and teach a biology class using a textbook

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that use the origin of living things and the origin of man from a one sided viewpoint. It is very difficult. As a science teacher, I have to do more than just assiminate facts to students. My primary goal is to teach my students to think scientifically. If I do that, then everything else will follow in place. I must teach them to think as a scientist thinks and in thinking as a scientist thinks, there are two important things that I have to get across to them. First of all, they have to learn how to observe, and second they have to learn how to experiment. [27] That is the basis for all scientific knowledge. We use our five senses to observe and we draw conclusions on what we observe. We manipulate variables and experiment to determine relationships. Those two things are very important.

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Matter of fact, they are more than very important. Those are the basics for scientific knowledge. If you go beyond observations and if you go beyond experimentations, then you are beyond the realm of science. Scientific knowledge can only go so far as the things you can observe and things you can experiment with. This is why it is difficult for me to teach the theory of evolution because origins such as the origin of man, the origin of matter, the origin of energy, the origin of the earth, the origin of the universe, any origin is beyond the realm of science. Any explanation of how man got here or how the animals got here or how the earth got here cannot be scientific. That is beyond the realm of science. That enters into another field of study, historical study. What happened a

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million years ago is a matter of history, not a matter of science. How then does the evolutionary theory stack up with what is written in the rest of the textbook. I would like to give you a few examples. What we can observe and what we can experiment with tells us this. Organisms produced life organisms. If someone asked you to describe a tiger, you probably would not have any trouble. You know what a tiger looks like, how large tigers usually would grow with only slight changes or description, this would fit almost any full grown [28] tiger. What allowed you to make such a description. You can be sure that a baby tiger won't grow up to look like a horse or even a tree. The answer lies in the old saying that life produces life. We expect mature plants and animals to be like their parents.

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Have you ever wondered why this is so. This is a mystery that will be discussed in our study of heredity. When we get to the chapter on evolution, we notice that somewhere along the line, life does not produce life. Completely different life forms arrive from lower life forms. No effort is made to jibe these two ideas. We know from observation and experimentation that life produces life. That is in the law of heredity. But this law of heredity is in no way related to the theory of evolution. The principle of biogenesis as we have seen the life of every organism comes from its parents. Does life ever spring from non living matter. We can find no evidence of this happening. So for as we can tell, life comes from life. Biologists calls this the principle of biogenesis. So all the evidence argues

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for it, biogenesis is a fairly new idea. In other words, through observation and experimentation, we have determined that life comes from life. The description of the evolutionary process and how life came to be on earth, this is the explanation that they give. The only explanation that they give. Okron suggested that the earth is very different a very few years ago. The atmosphere was made up of mainly gases such as ammonia, methane, and water vapor. Energy from lightening will radiate and split up [29] some of these molecules. The elements, carbon, hydrogen, nitrogen, and oxygen, [unintelligible]. Finally, the [unintelligible] organic molecule it came to be in the right way and life began. That is spontaneous generation. Living matter arising from non-living

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matter. Again, no effort is made by the author of this textbook to relate what is propounded here as a theory and what we know through scientific observation and experimentation. The reason why there is no effort not to jibe these is that they cannot be put together. From what we know based on scientific facts and what we know through observation and experimentation, the theory of evolution is an impossibility. Other forces that we don't know about must have been at work there if evolution occurred. Situations that we know nothing about must have been present for evolution to occur. So what we have is not really a theory. I believe the comment was made that some people did not mind evolution being taught as a theory but they did not want it being taught as a fact. I object to the idea that it is taught as

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a theory. There are certain limitations to the formulation of a scientific theory and evolution does not meet that criteria. Evolution is based on certain postulates that do not fit observation and experimentation that we know about and can never be proved. These postulates must be accepted if evolution were to take place. We must accept those assumptions blindly such as the idea of spontaneous generation. [30]

REP. M. THOMPSON: Does the textbook go farther in an attempt to explain the theory of evolution or spontaneous generation.

MR. KALIVODA: It explains in detail in the previous chapter what spontaneous generation is and it relates the many experiments that were done by people Pasteur to disprove that spontaneous generation did occur.

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REP. M. THOMPSON: Who is the publisher of that textbook?

MR. KALIVODA: Holt, Rinehart and Winston. But I might add that this is not just a matter of this textbook. This is characteristic.

REP. M. THOMPSON: Is that one of the textbooks that is currently used on the approved list of the state Department of Education.

MR. KALIVODA: I am not certain. I will say this though. This book "The Study of Biology" is currently being used in Bossier Parish the same tenet that I just read are found in this textbook. Not only does the author of this textbook make an effort to be objective, but I would like to read this to you. All modern theories of evolution hold some ideas of transmutation though they may differ as

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to the mechanism by which one species may actually be modified to become another. The problem in dealing with the concept of special creation is that it is inevitably [unintelligible] to believe in the divine being. Its inheritance therefore insist that special creation be taught in biology course. They are not willing to submit it as a legitimate scientific hypothesis. Such a big thing with science and religion is always unfortunately. For it makes an objective waying of the evidence pro and con [31] virtually impossible. The emotional attachment is simply too strong. That is nothing but bunk. My experience in trying to teach the theory of evolution is that it is a series of postulates that must be accepted on blind faith. You cannot observe them

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and you cannot experiment with them, therefore, they are beyond the realm of scientific fact. This is a description of a myth, not a theory.

REP. M. THOMPSON: What you are saying then is that evolution is being taught in the textbooks and is cited as a tentative faith to the exclusion of a creative theory.

MR. KALIVODA: Exactly, or at least in this textbook, it has been used as this. Addison West Brothers is the publisher of this textbook. This is the Junior level.

REP. M. THOMPSON: Have you looked for any textbooks that give any treatment at all to creationist theory? The question is do you believe this to be an equally valid theory to espouse. Then why are you not looking at a textbook like this. Then why are you

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not using a textbook like this in your teaching.

MR. KALIVODA: If I had one available I certainly would. The way I teach my biology class now is that I supplement information to the students myself. As far as the theory of creationism, and how it stacks up to the theory of evolution scientifically, I think that what I have just read in some of these textbooks indicates that what we know, what we have observed and what we have experimented with tells us that evolution could simply not take place. If it did take place, then there are some things that [32] occurred that we simply scientifically don't know about and cannot know about because they occurred millions of years ago.

REP. M. THOMPSON: It occurs to me that if we are going to pass a law

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saying that evolution and creation won't be taught, then we could not rely on the teacher to supply his particular version of theory of creation. We would have a textbook which would create a role or some text material. I can understand in some Christian schools that you prefer to supply your own explanation using a text which does not treat creation. Are you able to suggest any textbooks.

MR. KALIVODA: No, sir. But I can certainly get you a list.

SEN. KEITH: There is a list in your packet Mr. Chairman of the textbooks that are available. The question was asked how could so many men who are considered to be learned in their field or experts in their field, how could so many of them accept the idea of evolution. I think the answer might lie in the fact that evolution is

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beyond science and the men that try and deal with it, cannot deal with it scientifically. Just as the Greeks as learned as they were, clung for centuries to the idea of their Gods. Their Gods were myths and they symbolize much more than the stories do. I think in the case of evolution, we have a 20th Century myth that is a symbol of something. It is more than just a scientific explanation of the way something happens. It carries a great deal of symbolism. A great deal of philosophy is taught [33] through the teaching of evolution. What will man give up first? Will he give up what he knows to be true? Or will he give up what he is emotionally clinging to. He will give up what he knows to be true first. A person who is attached to something emotionally clings to that no

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matter how you try and reason with him. That is a powerful myth.

KAY REIBOLDT: I am Kay Reiboldt from Shreveport, La. I am a homemaker, a mother of one child. I am here because I am vice-president of the legislative program of Pro Family Forum, Statewide. Pro Family Forum's five Louisiana chapters have visually supported the teaching of scientific creationism in the public school systems. We support the idea that openness is a principle of science. In recent years, the cosmos, the solar system, and life on earth have been presented in the classroom under evolutionary point of view only. The creationist point of view has been overlooked. We are concerned with the social, ethical, and scientific consequences of the current exclusive

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presentation of the humanistic evolutionary point of view regarding origin. The students have a right to know there is an alternate creationist point of view. They have a right to know the scientific evidences which supports that alternative. They have a right to make a choice between evolutionary and creationist points of view so for as their understanding of origins and science. As well as the students' right to know, the family's right will also be considered. The primary goal of the parent and the upbringing of children was reaffirmed by the [34] U.S. Supreme Court in 1972 in Wisconsin. It stated "the history and culture of western civilization which brought a strong condition of parental concern for the nurture and upbringing of their children. The primary role of

[EXHIBIT E-A(4)]

the parent and the upbringing of their children is now established as an enduring American tradition. Also, in December of 1974, the U.S. Commissioner of Education, Terrell H. Bell, stated "Parents have the right to respect the school and their teaching approaches and selection of instructional material will support the values and standards that their children are taught at home. And if the school cannot support these values, they must at least avoid the deliberate destruction of them." It would be wrong to say that the biological theory of evolution has gained universal acceptance among biologists or even among geneticists. This is perhaps unlikely to be achieved by any theory which is so extraordinarily rich in philosophics and humanistic implications, it's acceptance

[EXHIBIT E-A(4)]

is so wide that the proponents complain of the inability to get a hearing of their views. Controlled experimentation may be applied only to a limited degree, the programs dealing with the past or the future. For that reason, any conclusions regarding either the past or the future lack the scientific reliability of conclusions regarding present phenomena. Accordingly, it is especially important that there be openness and accepting matters relating to origins. Consideration must be given to the fact that there is a growing acceptance of the scientific [35] creationism theory. There is for instance, the creation research, which is a group of over 500 creation scientists with Ph degrees or BS degrees or MS degrees in science and/or genetics. There is also a multitude of

[EXHIBIT E-A(4)]

scientific books written on the subject. A valid theory that it is a significant one and that it is held by many respected and intelligent scientists is being overlooked. We therefore find a policy of openness as a principle of science with respect to presentations of matters or origin in the classroom. The evidences reporting an evolutionary point of view and to add to the school a creationist point of view should be given proper presentation in any classroom where the topic under discussion related to the origin of matter energy, the origin of the cosmos, the origin of life. We are not asking that religion be presented in the classroom but we are asking that scientific evidences supporting both of these alternative points of view be presented. We call upon all of the

[EXHIBIT E-A(4)]

school boards, manufacturers of textbooks, concerned citizens, and teachers of educational agencies to resist pressures toward scientific dogmatism and presentation of only one point of view or origin.

SEN. KEITH: Mr. Chairman, I am prepared to close. I don't know if there are those who are here who are prepared to speak in opposition to the bill. Let me just close by making two observations. Certainly, you are aware before the U.S. Congress there is a bill that would require any school in this nation that is receiving any federal funds to teach both modes of evolution [36] and scientific creationism at the expense of having those funds withdrawn. President Elect Reagan has given his whole hearted support to this concept and with the changes that have been made

[EXHIBIT E-A(4)]

there in the Congress. I am told that the concept has a very favorable outlook. Second, I would simply say that Governor Treen has assured me that he will help us and he will work to help us pass this legislation that would provide scientific creationism in our schools. Thank you very much for your patience and allowing us to appear before you today.

REP. M. THOMPSON: Senator Keith, thank you. I would like to address a comment if I might to the people who appeared here today. I know it was at some sacrifice of your personal time to come before the group. I regret that more members of the committee were not able to be here. We will have the staff transcribe all of your comments and prepare a report containing the full text of your materials. That report

[EXHIBIT E-A(4)]

will be shared with every member of the committee. Those serious minded members of the committee who are inquisitive, I trust before the next session, will have an opportunity to study this matter further. We as members of the committee will also receive from the staff information of what is currently being taught in the Louisiana public schools. We really want to see. I have not been to the Louisiana public schools in some time and never have taken a biology class there and have no idea in what manner it is presented and in what manner the creationist theories is excluded in the public school. We want [37] to look at what the status of the situation is. We will probably not have an entire hearing of this subcommittee again devoted to this subject matter during the interim. But in the event

[EXHIBIT E-A(4)]

that Senator Keith has any supplemental materials that he would like to present to the committee. I am sure that it could be added to the agenda at one of our future meetings. We will be meeting on December 16 for example on testing. Obviously, we have a lot of matters to consider and will not be able to devote a half day at every hearing to it, but certainly any other supplemental material that you would like to submit would be entertained by the committee. Certainly, you are welcome to present this during the interim because this is a matter which should be studied during the interim rather than in the crush of a legislative session where often the results of committee action are misinterpreted and simply because the members of the committee are not able to gather enough information. That is why

[EXHIBIT E-A(4)]

we meet during the interim I might say to the audience so that we can gather enough information to act intelligently on the matters before this legislature. Particularly, something unique as this. I want to tell you something. I met a land man in Lafayette with a stack of books like Senator Keith had and some of the witnesses. He said I want to introduce a bill to require that they teach the theory of creation. I said what is the status? What is the problem? Well, I understand that evolution is being taught. In what manner? Well, he couldn't exactly give me very much [38] detail, only it had been a consensus of a group that he represented that such a bill ought to be introduced. I declined until I found out more about the matter. Senator, you probably had more background that I did

[EXHIBIT E-A(4)]

and you introduced it. You, of course, stimulated, some controversy just by introducing the thing. But I think that it is good that we do discuss things like this and we air them publicly and that all serious minded members of the legislature can get materials like this to make up their mind. I commend you for your actions in scheduling this hearing today. Thank you.

SEN. KEITH: Thank you.

[CERTIFICATION OMITTED]

[EXHIBIT E-A(5)]

[1] A BILL TO BE ENTITLED

An Act to require balanced treatment of creation-science and evolution-science in public schools; to protect academic freedom by providing student choice; to ensure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact; to provide for severability of provisions; to provide for repeal of contrary laws; and to set forth an effective date.

Be it Enacted by the Legislature:

[EXHIBIT E-A(5)]

Section 1. Requirement for Balanced Treatment. Public schools within this State shall give balanced treatment to creation-science and to evolution-science. Balanced treatment to these two models shall be given in classroom lectures taken as a whole for each course, in textbook materials taken as a whole for each course, in library materials taken as a whole for the sciences and taken as a whole for the humanities, and in other educational programs in public schools, to the extent that such lectures, textbooks, library materials, or educational programs deal in any way with the subject of the origin of man, life, the earth, or the universe.

Section 2. Prohibition against Religious Instruction. Treatment of either evolution-science or creation-

[EXHIBIT E-A(5)]

science shall be limited to scientific evidences for each model and inferences from those scientific evidences, and must not include any religious instruction or references to religious writings.

Section 3. Requirement for Nondiscrimination. Public schools within this State, or their personnel, shall not discriminate, by reducing a grade of a student or by singling out and making public criticism, against any student who demonstrated a satisfactory understanding of both evolution-science and creation-science and who accepts or rejects either model in whole or part.

Section 4. Definitions. As used in this Act:

(a) "Creation-science" means the scientific evidences for creation and inferences from those scientific

[EXHIBIT E-A(5)]

evidences. Creation-science includes the scientific evidences and related inferences that indicate (1) Sudden creation of the universe, energy, and life from nothing; (2) The insufficiency of mutation and natural selection in bringing about development of all living kinds from a single organism (3) Changes only within fixed limits or originally created kinds of plants and animals; (4) Separate ancestry for man and apes; (5) Explanation of the earth's geology by catastrophism [2] including the occurrence of a worldwide flood, and (6) A relatively recent inception of the earth and living kinds.

(b) "Evolution-science" means the scientific evidences for evolution and inferences from those scientific evidences. Evolution-science includes the scientific evidences and related

[EXHIBIT E-A(5)]

inferences that indicate: (1) Emergence by naturalistic processes of the universe from disordered matter and emergence of life from nonlife; (2) The sufficiency of mutation and natural selection in bringing about development of present living kinds from simple earlier kinds. (3) Emergence by mutation and natural selection of present living kinds from simple earlier kinds; (4) Emergence of man from a common ancestor with apes; (5) Explanation of the earth's geology and the evolutionary sequence by uniformitarianism; and (6) An inception several billion years ago of the earth and somewhat later of life.

(c) "Public schools" mean public secondary and elementary schools.

Section 5. Clarifications. This Act does not require or permit

[EXHIBIT E-A(5)]

instruction in any religious doctrine or materials. This Act does not require any instruction in the subject of origins, but simply requires instruction in both scientific models (of evolution-science and creation-science) if public schools choose to teach either. This Act does not require each individual textbook or library book to give balanced treatment to the models of evolution-science and creation-science; it does not require any school books to be discarded. This Act does not require each individual classroom lecture in a course to give such balanced treatment, but simply requires the lectures as a whole to give balanced treatment; it permits some lectures to present evolution-science and other lectures to present creation science.

[EXHIBIT E-A(5)]

Section 6. Legislative Declaration of Purpose. This Legislature enacts this Act for public schools with the purposes of protecting academic freedom for students' differing values and beliefs; ensuring neutrality toward students' diverse religious convictions; ensuring freedom of religious exercise for students and their parents; guaranteeing freedom of belief and speech for students; preventing establishment of Theologically Liberal, Humanist, Nontheist, or Atheist religions; preventing discrimination against students on the basis of their personal beliefs concerning creation and evolution; and assisting students in their search for truth. This Legislature does not have the purpose of causing instruction in religious

[EXHIBIT E-A(5)]

concepts or making an establishment of religion.

Section 7. Legislative Findings of Fact. This Legislature finds that:

(a) The subject of the origin of the universe, earth, life, and man is treated within many public school courses, such as biology, life science, anthropology, sociology, and often also in physics, chemistry, world history, philosophy, and social studies. [3]

(b) Only evolution-science is presented to students in virtually all of those courses that discuss the subject of origins. Public schools generally censor creation-science and evidence contrary to evolution.

(c) Evolution-science is not an unquestionable fact of science, because evolution cannot be experimentally observed, fully verified, or logically

[EXHIBIT E-A(5)]

falsified, and because evolution-science is not accepted by some scientists.

(d) Evolution-science is contrary to the religious convictions or moral values or philosophical beliefs of many students and parents, including individuals of many different religious faiths and with diverse moral values and philosophical beliefs.

(e) Public school presentation of only evolution-science without any alternative model of origins abridges the United States Constitution's protections of freedom of religious exercise and of freedom of belief and speech for students and parents, because it undermines their religious convictions and moral or philosophical values, compels their unconscionable professions of belief, and hinders

[EXHIBIT E-A(5)]

religious training and moral training by parents.

(f) Public school presentation of only evolution-science furthermore abridges the Constitution's prohibition against establishment of religion, because it produces hostility toward many Theistic religions and brings preference to Theological Liberalism, Humanism, Nontheistic religions, and Atheism, in that these religious faiths generally include a religious belief in evolution.

(g) Public school instruction in only evolution-science also violates the principle of academic freedom, because it denies students a choice between scientific models and instead indoctrinates them in evolution-science alone.

(h) Presentation of only one model rather than alternative scientific

[EXHIBIT E-A(5)]

models of origins is not required by any compelling interest of the State, and exemption of such students from a course or class presenting only evolution-science does not provide an adequate remedy because of teacher influence and student pressure to remain in that course or class.

(i) Attendance of those students who are at public schools is compelled by law, and school taxes from their parents and other citizens are mandated by law.

(j) Creation-science is an alternative scientific model of origins and can be presented from a strictly scientific standpoint without any religious doctrine just as evolution-science can, because there are scientists who conclude that scientific data best support creation-science and

[EXHIBIT E-A(5)]

because scientific evidences and inferences have been presented for creation-science. [4]

(k) Public school presentation of both evolution-science and creation-science would not violate the Constitution's prohibition against establishment of religion, because it would involve presentation of the scientific evidences and related inferences for each model rather than any religious instruction.

(l) Most citizens, whatever their religious beliefs about origins, favor balanced treatment in public schools of alternative scientific models of origins for better guiding students in their search for knowledge, and they favor a neutral approach toward subjects affecting the religious and moral and philosophical convictions of students.

[EXHIBIT E-A(5)]

Section 8. Short Title. This Act shall be known as the "Balanced Treatment for Creation-Science and Evolution-Science Act."

Section 9. Severability of Provisions. If any provision of this Act is held invalid, that invalidity shall not affect other provisions that can be applied in the absence of the invalidated provisions, and the provisions of this Act are declared to be severable.

Section 10. Repeal of Contrary Laws. All State laws or parts of State laws in conflict with this Act are hereby repealed.

Section 11. Effective Date. The requirements of the Act shall be met by and may be met before the beginning of the next school year if that is more than six months from the date of

[EXHIBIT E-A(5)]

enactment, or otherwise one year after the beginning of the next school year, and in all subsequent school years.

[EXHIBIT E-A(5)]

[5]

COURT OF APPEALS
GEORGIA
STATE JUDICIAL BUILDING
ATLANTA 30334

Senator Bill Keith
P.O. Box 44183
Baton Rogue, La. 70804

Dear Bill;

Having been an adjunct professor of constitutional law, having lectured on origins, creation and evolution from a legal viewpoint, and having studied and having researched this legal issue for many years, it is my belief that the passage of your bill to teach scientific creationism or scientific evidences and scientific principles of creation as well as evolution are not only constitutional, but failure to teach

[EXHIBIT E-A(5)]

either one without the other is, in my opinion, placing the government and the school board in an unneutral position, which would be unconstitutional. Teach both or teach neither, and you have neutrality and constitutionality.

With highest regards and best wishes, I am

Sincerely,

Braswell D. Deen, Jr.

BDDjr/afn

[EXHIBIT E-A(5)]

[6] A CONDENSED VITAE OF
DR. EDWARD ANTHONY BOUDREAUX, Ph.D.

Employment: Associate Professor of Chemistry, University of New Orleans (with UNO since 1962)

Personal: Married (wife-Carolyn): 4 children (ages 23-18) 3 married; one granddaughter

Education: B.S. - Chemistry, Loyola University (New Orleans) 1956; M.S. - Chemistry, Tulane University 1959; Ph.D.- Chemistry, Tulane University 1962

Profession Specialization: Theoretical inorganic chemistry and chemical physics. Current research on Cancer drugs containing platinum metal.

Professional activities:

1. Published - 26 papers in technical journals, 9 contributed

[EXHIBIT E-A(5)]

chapters to books and reviews: author, co-author, co-editor of 4 books.

2. Honors: (1) Invited lecturer to numerous chemical conferences and symposia, both national and international. (2) Selected in 1972 as one of 122 most creative Ph.D's in chemistry from among 17,000 graduated in the U.S. during 1956-70. (3) Selected for a Fulbright Lecturership to Zagreb, Yugoslavia, and nominated for an Alfred D. Sloan Distinguished Fellowship. (4) Biographical listings in: American Men and Women of Science, Who's Who in Science, Men of Achievement, Who's Who in the South and Southwest, Personalities of America, Notable Americans and the National Social Directory.

3. Membership - Several professional organizations; Louisiana Academy of

[EXHIBIT E-A(5)]

Sciences; Creation Research Society. Also active in Marriage Encounter and Catholic Charismatic Renewal. Prayer Group Leader, St. Louis King of France Church.

Special Lectures and Courses: (Speakers Bureau and Dept. of Continuing Education - UNO; Trinity Christian Training Institute):

1. UFO's Reinvestigated (Published article in Christian Life Magazine, August 1976 on UFO's)
2. Exposing the occult
3. The Bible and Science

* * * *

[EXHIBIT E-A(5)]

[7] AN OBJECTIVE SCIENTIFIC ANALYSIS OF EVOLUTION AS A VIABLE OPTION TO ORIGINS

By Dr. Edward A. Boudreaux, Assoc. Professor of Chemistry (Official Title) and Creation Science Researcher
University of New Orleans

I. STATEMENT OF THE CASE

Historically speaking, there was never a question as to the origin of either living or inanimate matter, until Charles Darwin published in 1859 his famous book, The Origin of The Species. However, Darwin did not base the conclusion stated in his book on any established scientific facts, but rather simply on the observation of biological similarities among certain living animals and fossils. Yet what many tend

[EXHIBIT E-A(5)]

to ignore is in the history of Darwin's life, the profound impact that his associations with such people as Thomas Malthus, Charles Lyell, John Morley, Thomas Huxley, M. Lamarck, and many others, had on his moral, philosophical, sociological, and theological beliefs (1). The problem is that all of these people were professed atheists whose views of life were governed by social humanism. Hence, Darwin's purpose was not at all one of objective science, but rather to initiate a doctrine that appealed to the human intellect, to man's egotistical egocentricity and contrary to biblical teaching. Economic and social conditions in Europe during Darwin's time were ripe for precisely such a doctrine as Darwinism.

Subsequent to Darwin's time, many more people who were strongly

[EXHIBIT E-A(5)]

influential in key scientific circles took up Darwin's cause for precisely the same reason as Darwin had originally intended. The whole issue ultimately escalated to the point that a large majority of scientists were "brainwashed" into accepting evolution as a proven theory with overwhelming data in support of it. Thus today, what is admitted in scientific circles in general is the hypothesis of uniformitarian evolution, whereby all matter, inert and living, is believed to have been spontaneously produced from some common energy source. The proposed basic mechanism is that more perfect or highly developed forms or inert or living matter are evolved from less than developed forms; so that all forms of life are ultimately explained by a varied and multifaceted evolutionary process.

It is inherent in the basic tenets of uniformitarian evolution that special creation by a supernatural intelligence is not only unnecessary, but is not to be believed. Furthermore, evolutionists invariably maintain that creation is religion [8] "merely because the only basic reference to it is in the Bible," while evolution is science.

II. METHOD OF ANALYSIS

The specific purpose of this present treatise is to test the Proposals of evolution on its own grounds, namely science. It will be shown that the very basic foundations of the evolutionary hypothesis are in serious violation of important scientific laws and observed scientific

[EXHIBIT E-A(5)]

facts. Hence, all that follows along proposed evolutionary lines must of necessity be totally discredited and therefore not to be favored over creation as a viable model of origins.

Of course, because of the limited scope and time allotted in this hearing, it will be impossible to be thoroughly exhausive in my analysis. Furthermore, many of the key issues are highly technical and would require qualified experts to fully comprehend them. In fact, it has been my past experience that the scope of the matter is even far more than what I can barely cover in a total of 20 hours of concentrated lecture. Consequently, only the most fundamentally important issues will be discussed here.

[EXHIBIT E-A(5)]

The following evidence that is presented is astrophysical, biological, chemical, geological, and physical in nature. It touches upon all areas in which evolution has been invoked as a viable mechanism.

III. ENERGY VERSUS MATTER

No self-respecting scientist would deny the validity of Albert Einstein's famous equation derived from the theory of relativity, $E = mc^2$ Simply stated, the equation says that energy is equal to mass times a constant (c = velocity of light; $c^2 = c \times c$). What it does not say is what special physical conditions have to be met in order for this equality to be realized. Furthermore, it is an equation derived from a theoretical model, as are many other mathematical relations in physics

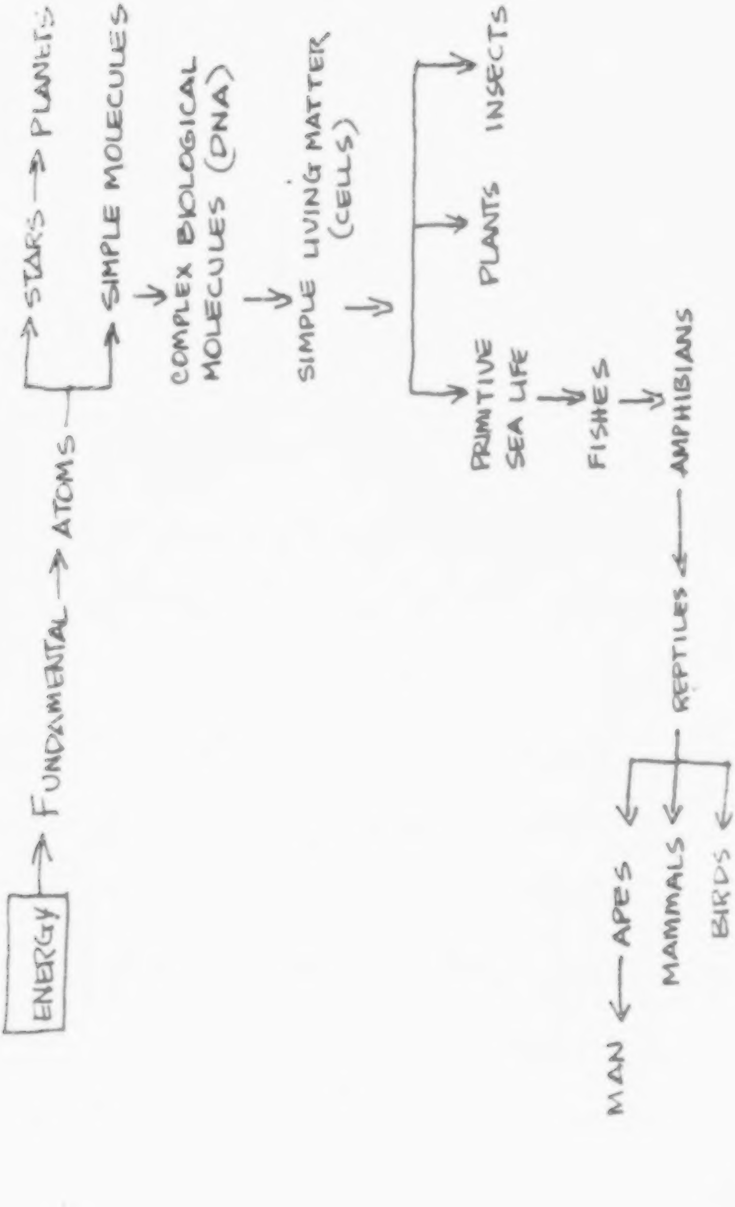
[EXHIBIT E-A(5)]

This does not mean to say, however, that Einstein's equation does not have any valid applications, because it does. But there are other mathematically valid approaches regarding the relationship of matter and energy not based on the theory of relativity, that lead to alternate conclusions; namely, that matter and energy are not merely directly proportional to each other. Hence, the mere fact that any theory is mathematically [9] valid and may even have some observed data to substantiate it, does not prove it to be an all-encompassing and absolute theory to fit every situation.

Evolutionists, however, must accept the theory of relativity as an absolute, universally established law that applies to any and all physical processes; otherwise, the very basis of

[EXHIBIT E-A(5)]

uniformitarian evolution (matter is produced from energy) would collapse:


ENERGY
FUNDAMENTAL
ATOMS
STARS
PLANETS
SIMPLE MOLECULES
COMPLEX BIOLOGICAL MOLECULES (DNA)
SIMPLE LIVING MATTER (CELLS)
PRIMITIVE SEA LIFE
PLANTS
INSECTS
FISHES
AMPHIBIANS
REPTILES
BIRDS
MAMMALS
APES
MAN

[EXHIBIT E-A(5)]

It is a well established scientific fact that energy results from decomposition or changes in matter. However, only in theory is it presumed that matter results directly from energy alone; this has never been established by any scientific observation. On the contrary, the laws of spontaneous change require that energy be lowered in order for matter to be stabilized, which is totally in contradiction to the very initial premise of uniformitarian evolution regarding the relation between energy and matter. [10]

IV. ASTROPHYSICS AND THE ORIGIN OF THE COSMOS

Evolutionists tell us that we are to believe that stars, planets, and the like are derived from the condensation of certain chemical

[EXHIBIT E-A(5)]

elements and/or the compounds derived from them. They propose all sorts of elaborate physical condensation processes involving enormous energy and pressure, having been initiated by what is commonly referred to as the "Big Bang" some twenty or so billion years ago. It is concluded that the gravitational and magnetic forces of attraction in these massive bodies are far greater stabilizing forces than the destabilizing repulsive forces. Planets are presumed to be products of star formation (2).

There is only one star, namely the sun, for which we have enough accurate physical and chemical data with which to test this evolutionary hypothesis. If one sets up a realistic physical model based upon the dimensions, mass and chemical

[EXHIBIT E-A(5)]

composition of the sun, it can be calculated that the repulsive forces between the ionized hydrogen and helium atoms in the sun amount to 1.7 x 10^{51} ergs. (unit of energy), while the gravitational forces of stabilization are only 2.3 x 10^{48} ergs. and the stabilizing magnetic forces are no more than 1.3 x 10^{36} ergs. Hence, the destabilizing forces within the sun are at least 739 times greater than the stabilizing forces.

How then could the sun possibly have been evolved via spontaneous condensation? What are the mysterious forces that actually hold it together? If this is the situation regarding the sun, then it is also true for every star in the universe, which are chemically identical to the sun. The only argument that has any

[EXHIBIT E-A(5)]

scientific validity is that the stars, etc., must all have been formed initially by some low energy process which was subsequently subjected to some highly energetically perturbing forces. This, however, is in complete contradiction with the evolutionary model of the universe.

V. BIOLOGICAL PROCESSES IN THE FOSSIL RECORD

It is the dogmatic premise of biological evolution that all living entities have been produced over a long time with an on-going transformation from a lesser developed living form to a more fully developed one. The ultimate conclusion is that only the most highly developed forms exist ("survival of the fittest") (3).

[EXHIBIT E-A(5)]

According to the established facts of Genetics, the only way that variation of any substantial degree can occur within any given species is by mutation. However, mutations invariably lead to imperfections and not to perfections in living entities. In fact, the mathematical probability that a mutation among merely ten living entities of the same kind could produce a more highly [11] developed species is 1 divided by 36,287 or 0.000276 per cent (4). If the chances of a favorable outcome for mutations were not already negligibly small with just ten living things of the same kind, just think of extending this to the multi-thousands of living animals that have existed since the proposed beginning of evolution? Thus, the probability of having merely one more highly developed form among a

[EXHIBIT E-A(5)]

single species of any living animal is so small that it just as well be zero for all practical purposes.

One of the most famous and highly recognized naturalists who was appointed Regency Professor (Chair) at Harvard University in 1848, was professor Louis Agassiz. Agassiz had provided more than ample scientific proof in his numerous publications, that biological processes do not allow any major variation across species or classes of living things (5 a-g). Furthermore, he showed that variations required by evolution were an impossibility. In his review of Darwin's book, he summed up his position with the following statement:

> "If species do not exist at all as the supporters of transmutation theory maintain, how

[EXHIBIT E-A(5)]

can they vary? And if individual forms alone exist, how can the differences which may be observed among them prove the variability of species?"

These questions were never answered by Darwin or anyone else to any degree of scientific satisfaction.

The fact that two things may appear by human observation to be similiar, in no way proves that they are at all related. I will demonstrate this with a simple chemical example:

Water and cyclooctanol are both colorless liquids that boil at a temperature of 100 degrees Celsius. This physical observation would imply that both substances might be the same, or at least one is closely related to the other. However, a chemical analysis reveals that water is composed

[EXHIBIT E-A(5)]

of hydrogen and oxygen atoms, while cyclooctanol contains carbon, hydrogen, and oxygen. Furthermore, it is impossible to produce one from the other. Thus, the only similarity that exists is that the forces between the molecules of water and those of cyclooctanol are similar, otherwise the two substances are in no way related to each other.

Yet, this is precisely the kind of argument that is presented by evolutionists when they state the fossil record provides indisputable proof of biological evolution. Ironically, the fossil record actually argues against biological evolution, in that the numerous intermediate forms proposed in the evolutionary process are totally absent. In fact, if one tests the proposed evolutionary [12] process by

[EXHIBIT E-A(5)]

mathematical statistical probability. the likelihood of having many fossils of the proposed intermediate form is far greater than that of the fully developed forms, or the earliest underdeveloped forms. In other words, there is a big hole in the middle of the so-called fossil record, which definitely should not be, which totally defies scientific explanation and is in contradiction with mathematical probability.

VI. FOSSIL RECORD AND THE GEOLOGICAL TIMETABLE

Modern scientific evolutionists pride themselves on The accuracy of dating by radioactive Isotope techniques, and the application of such methods to provide an absolute establishment of the geological timetable, and the precise conformity that the fossil record holds to it.

While there is no fault in most radiometric dating techniques per se, the difficulty lies in the accuracy of the reporting and interpretation of data. J. Woodmorappe had published recently in the Creation Research Society Quarterly (6) an exhaustive investigation of the various radiometric techniques as applied to a number of samples falling within a particular time era of the geological timetable. I have prepared a graphical display of these results as shown on the following page. The most significant thing about the analysis is that the actual measured dates on different samples not only show much wider degree of variation compared to the dates quoted to be standard intervals in the geological timetable.

[EXHIBIT E-A(5)]

but there is clearly a mutual overlapping the tertiary and pre-cambrian periods. Consequently, it is ridiculous to propose that there is any precise chronological fossil record or geological timetable at all.

Even if there were any validity to a proposed chronology of the fossil record, it would never be learned by dating of geological strata. For if indeed there were a worldwide flood (as described in the Bible at the time of Noah), as many scientific experts admit on the basis of geological evidence, the enormous forces and pressure caused by such a huge volume of water, would have fractured the earth's upper mantle. The net result would be a complete mixing and random inversion of any orderly strata that might have been produced prior to the flood. All experts (many of whom are not creation scientists) agree that this worldwide deluge could not have prior to 7000 B.C., and most likely was between 6500-6000 B.C. Hence, all the millions of years that are proposed to be chronologically documented in the fossil record are totally meaningless. [13]

VII. THE SECOND LAW OF THERMODYNAMICS

One of the most basic inviolable physical laws of nature is the second law of thermodynamics. Simply stated - all natural processes proceed spontaneously in the direction of higher energy with increased entropy. Entropy is the measure of degree of disorder in the structural makeup of a substance.

This law is never violated regardless of the nature of the change

[EXHIBIT E-A(5)]

involved - i.e., chemical, biological, or physical. Since evolution requires that more perfect (i.e., highly ordered) forms are spontaneously generated from less ordered forms, evolution must necessarily be in violation of the second law of thermodynamics.

The biggest argument that evolutionists use in defense of this dilemma, is to state that the second law of thermodynamics applies only to "closed systems", whereas the earth and the universe are both "open systems."

However, the eminent French mathematician and scientist Emil Borel, has proved mathematically that there is actually no finite physical system that can be considered "closed" (7). Thus, the second law of thermodynamics as observed in nature must actually apply

[EXHIBIT E-A(5)]

to only "open systems." Hence, the evolutionists argument is a moot point.

However, it makes no difference whether or not a real system is "open" or "closed," for the second law of thermodynamics can be reversed only if the following conditions are met:

1) available energy;
2) directing programs;
3) conversion mechanism.

Points 2) and 3) can not be generated by any random process subject to the law of probability, but must be specifically designed as a feature unique to the particular system. We can examine the relationship between a plant and its seed as a case in point. The normal process of change in the production of seeds from plants and vice versa is:[14]

[EXHIBIT E-A(5)]

Case A

1. System=Plant
2. Available Energy=Sun
3. Directing Program=Natural Process
4. Conversion Mechanism=Natural Process
5. Product = Seed

[ENTROPY: Lower to Higher from 1 to 5 above (arrow omitted)]

Case B

1. System = Seed
2. Available Energy = Sun
3. Directing Program = Specifically designed genetic code
4. Conversion Mechanism = Photosynthesis plus water and chemical nutrients
5. Product = Plant

[ENTROPY: Higher to Lower from 1 to 5 above (arrow omitted)]

[EXHIBIT E-A(5)]

Evolution says that natural process is involved in steps 3 and 4 of either Case A or B. However, only in Case A is the change in entropy in accord with the second law of thermodynamics for a natural process. Case B requires specific controls in 3 and 4 to force the entropy change from a state of higher entropy to one of lower entropy.

In an effort to vindicate evolution in the light of the second law of thermodynamics, a world renowned thermodynamicist, Illya Prigogine, derived a mathematic model of entropy fluctuations associated with energy changes in any natural process (8). However, the solutions to these mathematical equations are valid only in the limits of small fluctuations, which

[EXHIBIT E-A(5)]

can in no way be generalized to the proposed uniformitarian evolutionary process.

VIII. MATHEMATICAL PROBABILITY IN EVOLUTION

One of the strongest arguments for which evolutionists have absolutely no defense is based on mathematical probability. Reference has already been made to probability regarding mutation and the fossil record. I will now present in this final argument only two specific examples.

Professor Eugene Wigner, 1963 Nobel Prize Winner in Physics, gave mathematical proof that it is impossible for any living entity to spontaneously self-generate another living entity (9 a,b). Consequently, this proof in itself is sufficient to state that

[EXHIBIT E-A(5)]

entire biological evolutionary process is "nipped in the bud".[15]

In another example, Professor Frank Salisbury of the University of Utah, calculated the probability that one DNA molecule could evolve from its basic chemical elements (10). DNA is a complex biological molecule that is absolutely essential to the structure and function of all living cells. The variables in Salisbury's calculations were to allow the one chance happening to occur upon one of a billion trillion planets identical in composition and environmental conditions to the earth. Four and a half billion years were allotted for the process to occur, which is the same as the age of the earth. The results were that there was one chance in 10^{460} (i.e., a trillion multiplied times a trillion for 38 times

[EXHIBIT E-A(5)]

and that times ten thousand). Emil Borel has given a mathematical proof that if the probability for any event is less than one part in 10 ^{50} (ie., a trillion multiplied times a trillion for 34 times and that times ten, larger than the previous probability), it will never happen no matter what variables are adjusted, including time (11).

In spite of these overwhelming facts to the contrary, evolutionists boldly proclaim that DNA molecules have spontaneously evolved from their respective chemical elements.

CONCLUSION

It has been shown that the evolutionary hypothesis is contrary to basic biologic mathematical and phsyical laws. Thus, evolution can in no way be accepted as authentic science.

[EXHIBIT E-A(5)]

Creation, on the other hand, requires the direct involvement of a supernatural intelligence, and thus cannot be directly tested by the scientific method.

Yet evolutionists think it totally unreasonable for creationists to place demands on them to provide valid scientific proof for their hypothesis; which are the same demands that evolutionists place upon creationists.

It takes faith to accept creation as a viable explanation of origins, but it requires even more faith to accept evolution as a valid explanation, since it is scientifically proved to be invalid. In conclusion, the current state of affairs in our Present educational system is that the evolution hypothesis has been amalgamated with athiestic humanistic

[EXHIBIT E-A(5)]

philosophy, and the product has been clothed in the term "science". But this product is in fact a non-theistic religion with an evolutionary philosophy presented as a creed under the guise of "science," and is required to be taught in public schools, colleges, and universities in Louisiana and the U.S. in general. Thus, it has become our official state-sanctioned religion. [16]

In the name of justice, it is requested that legislation be enacted to require that educational programs in the State of Louisiana provide both creation and evolution as acceptable models within their scientific programs of instruction.

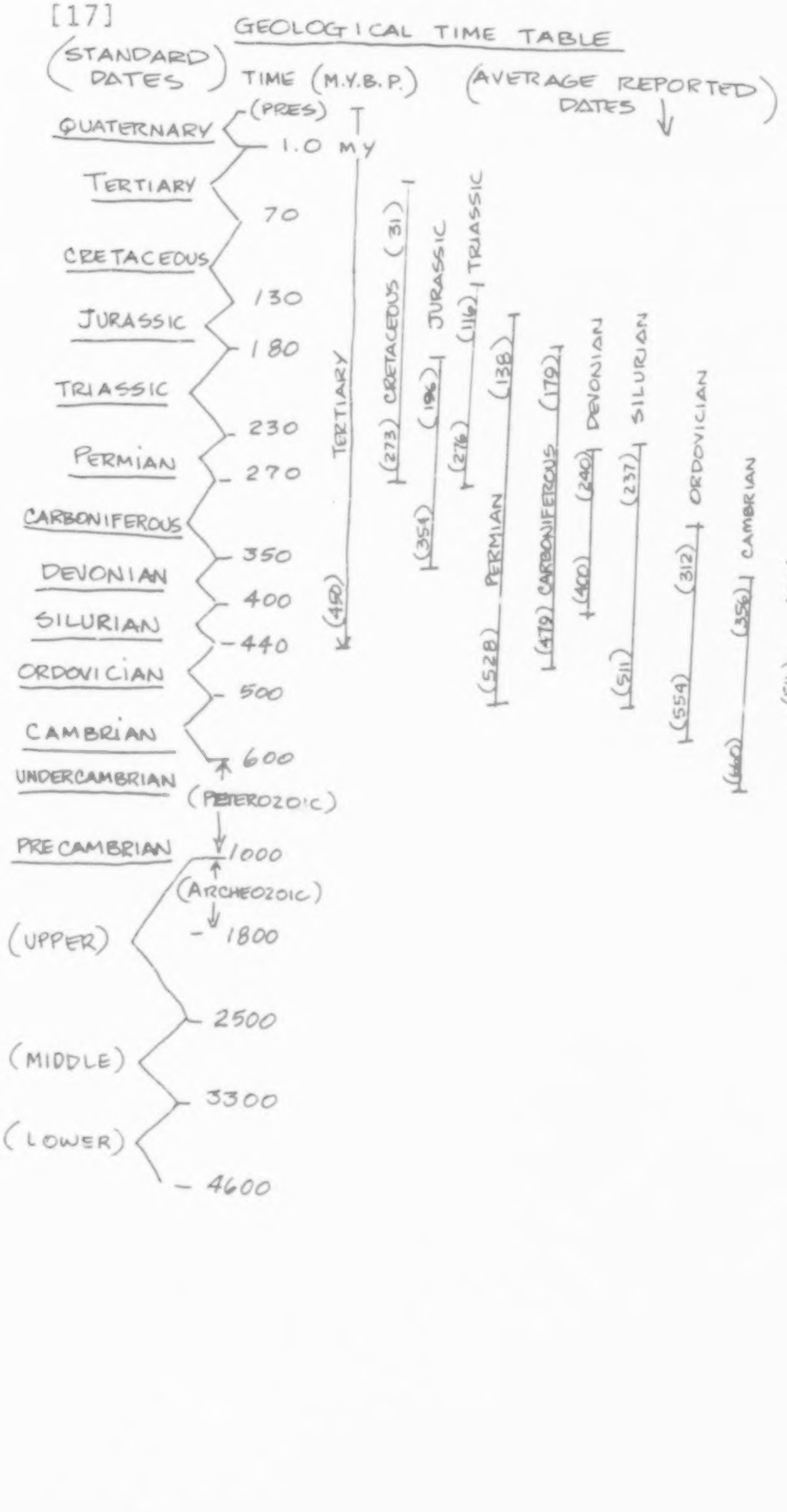
[EXHIBIT E-A(5)]

[17] GEOLOGICAL TIME TABLE

Standard Dates	Time(in Y.B.P.)
QUATERNARY	Present
TERTIARY	1.0 M. Y.
CRETACEOUS	70
JURASSIC	130
TRIASSIC	180
PERMIAN	230
CARBONIFEROUS	270
DEVONIAN	350
SILURIAN	400
ORDOVICIAN	440
CAMBRIAN	500
UNDERCAMBRIAN	600
(PETEROZOIC)	
PRE CAMBRIAN	1000
(ARCHEOZOIC)	1800
UPPER	2500
MIDDLE	3300
LOWER	4600

[EXHIBIT E-A(5)]

[17]



[EXHIBIT E-A(5)]

[18]

REFERENCES

(1) "The Evolution Hoax Exposed," by Dr. A.N. Field, Christian Book Club of America, Hawthorne, Calif. 90250 - and references quoted therein.

(2) "The Origin of the Solar System", by Dr. J. C. Whitcomb, Presbyterian and Reformed Publishing Co., Philadelphia, PA, 1975 - and numerous references quoted therein.

(3) Impact No. 89, Institution of Creation Research, Dr. G.E. Parker, Nov. 1980 - and references quoted therein.

(4) Impact No. 73, Institution of Creation Research, Dr. H.M. Morris, July 1979 - and references quoted therein.

(5a) "Poissons Fossiles," L. Agassiz (1832).

[EXHIBIT E-A(5)]

(b) "Contributions to Natural History of the U.S.," L. Agassiz (1855).

(c) Essay on Classification," L. Agassiz (1859) (subsequent dates up to 1870's)

(d) Methods of Study in Natural History," L. Agassiz.

(e) "Geological Sketches," L. Agassiz.

(f) "The Structure of Animal Life," L. Agassiz.

(g) "Life and Correspondence," L. Agassiz - and numerous other technical papers.

(h) Review of Charles Darwin's book, American Journal of Science, July 1860.

(6) J. Woodmorappe, Creation Research Society Quarterly, Vol. 16, pp. 102-129 (1979).

(7) Quoted by Dr. Layzer, Scientific American, Vol. 223, pg. 56 (1975).

(8) I. Prigogine, G. Nicolis, and A. Babloyantz, "Thermodynamics of

[EXHIBIT E-A(5)]

Evolution," Physics Today, Vol. 25, Nos. 11 and 12 (1972).

(9a) E. Wigner, "The Logic of Personal Knowledge," Rutledge and Kegan Paul Pub., London (1961), Chapter 19.

(b) E. Wigner, Communications in Pure and Applied Mathematics, Vol. 13, pg. 1 (1960).

(10) E. Salisbury, Nature, Vol. 224, pg. 342 (1969).

* * * *

[19] Testimony on Scientific Creationism

Pro Family Forum

November 23, 1980

Pro Family Forum's 5 Louisiana chapters officially support the teaching

[EXHIBIT E-A(5)]

of Scientific Creationism in the public school system. We support the idea that openness is a principle of science.

In recent years the origin of matter/energy, the cosmos, the solar system, and life on the earth have been presented in the classroom from the evolutionary point of view only. The creationist point of view has been overlooked. We are concerned with the social, ethical, and scientific consequences of the current exclusive presentation of a humanistic evolutionary point of view regarding origins. The students have a right to know there is an alternative creationist point of view. They have a right to know the scientific evidences which support that alternative. They have a right to make the choice between evolutionary and creationist points of view so far as

[EXHIBIT E-A(5)]

their understanding of origins is concerned.

As well as the student's right to know, the family's rights must also be considered. The primary role of the parent in the upbringing of children was reaffirmed by the U.S. Supreme Court in 1972 in Wisconsin v. Yoder. It stated, "The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. The primary role of the parents in the upbringing of their children [20] is now established beyond debate as an enduring American Tradition." (U. S Supreme Court, 406 U. S. 205, 32L Ed 2nd 15 (1972)

Also, in December of 1974, U. S. Commissioner of Education, Terrel H. Bell, in a talk given to textbook publishers stated. "Parents have the right to expect that the school in their teaching approaches and selection of instructional materials, will support the values and standards that their children are taught at home. And if the school cannot support these values they must at least avoid deliberate destruction of them." (Dr. Terrell H. Bell, (Former) U. S. Commissioner of Education, Speech to Textbook Publishers, Cherry Hill, N. J., December 2, 1974) For more information on the legal aspects involved please see our position paper.

How the theory of evolution is currently viewed by the scientific community is important. A leading evolutionist, Dr. Theodosius Dobzhansky, made a comment and an admission in one of his articles several years ago. He

[EXHIBIT E-A(5)]

said, "It would be wrong to say that the biological theory of evolution has gained universal acceptance among biologists or even among geneticists. This is perhaps unlikely to be achieved by any theory which is so extraordinarily rich in philosophic and humanistic implications. Its acceptance is nevertheless so wide that its opponents complain of inability to get a hearing of their view." ("Evolutionary and Population Growth Genetics", Science, Vol. 142, Nov. 29, 1963, p. 1154) For more details on humanism and its philosophy see our position paper. [21]

Controlled experimentation may be applied only to a limited degree to problems dealing with the past or the future. For that reason, any conclusions regarding either the past or

[EXHIBIT E-A(5)]

the future lack the scientific reliability of conclusions regarding present phenomena. Accordingly, it is especially important that there be openness in discussing matters related to origins.

Consideration must be given to the fact that there is a growing acceptance of the Scientific Creationism theory. There is for instance, the Creation Research Society, a group of over 500 creationist scientists holding Ph.D. or M. S. degrees. There are also a multitude of scientific books written on the subject. A valid theory that is a significant one and that is held by many respected, intelligent scientists is being overlooked.

We, therefore, affirm a policy of openness as a principle of science with respect to presentation of matters of

[EXHIBIT E-A(5)]

origins in the classroom. The evidences supporting an evolutionary point of view and the evidences supporting a creationist point of view should be given proper presentation in any classroom where the topics under discussion relate to the origin of matter/energy, the origin of the cosmos, the origin of the solar system, or the origin of life.

We are not asking that religious dogmas be presented in the classroom, but we are asking that scientific evidences supporting both of these [22] alternative points of view be presented. We call upon all local school boards, manufacturers of textbooks and teaching materials, concerned citizens, and teachers and educational agencies to resist pressures toward scientific

[EXHIBIT E-A(5)]

dogmatism and presentation of only one point of view of origins.

* * * *

[23] Scientific Creationism

Pro Family Forum aims in this position paper to promote the proof that (1) creationism is as scientific as evolution, that (2) evolution is as religious as creation, and (3) since Creationism can be discussed effectively as a scientific model (not as a Biblical belief), and since evolution is fundamentally a religious philosophy rather than a science, it is unsound educational practice and even unconstitutional for evolution to be taught and promoted in the public school to the exclusion or detriment of special

[EXHIBIT E-A(5)]

creation. A community wide census would almost certainly show a large majority, probably around 70%, as was found in diverse areas of the country, favoring the teaching of both creation and evolution. However, we see that the rights of these families have not been acknowledged by the local governments and school boards, and ultimately by the national government (as it chooses to ignore the legality of having only evolution taught).

First let us consider that creationism is at least as scientific as evolutionism.

(1) The evolution model proposes to explain the origin and development of all things by means of natural laws and processes which are still operating at present.

[EXHIBIT E-A(5)]

(2) The creation model postulates that all the basic systems of nature, including elements, stars, planets, life and the major kinds of organisms, including man, were created fully developed by super-natural creative processes during a primeval period of special creation, following which conservative (rather than creative) processes were established to govern the completed creation. [24]

(3) Although neither creation nor evolution can be proved scientifically (the scientific method requires observation, and neither creation nor evolution can be observed), it is possible to make every conceivable observation fit either model.

(4) The creation model always fits the observed scientific data more naturally and directly, with a smaller

[EXHIBIT E-A(5)]

number of secondary modifications to make the data fit, than does the evolution model.

(5) Observation always indicated "horizontal" changes (variations, adaptive radiations, etc.) with-in limits, but never "vertical" changes from one kind to a more complex kind of organism. This situation is exactly as expected from creationism, but contrary to the basic premise of evolutionism. For example, crossing different breeds of cows may produce a different breed, but it will still be a cow.

(6) No one has ever observed life arising naturalistically from non-living chemicals, nor has this been accomplished in the laboratory! In fact, the simplest living system imaginable is tremendously more complex than the most intricate system ever designed by man,

[EXHIBIT E-A(5)]

and could never arise by chance. The origin of life, therefore, call for a purposeful creation not an accidental one.

(7) The fossil record, which supposedly documents the history of life on earth, contains no incipient or transitional kinds between major categories of biological organisms, exactly as predicted by the creation model but contrary to the hopes and expectations of evolutionists.

(8) The basic laws of science are laws of conservation and disintegration (the two laws of thermodynamics), as expected in the creation model, not laws of innovation and integration, as should be true if the evolution model is correct. [25]

(9) The sedimentary rocks and their fossil contents are increasingly

[EXHIBIT E-A(5)]

being recognized as requiring catastrophism for their explanation; the uniformitarian assumption implicit in the evolution model has proved completely inadequate.

(10) Many important physical processes, even with the standard uniformitarian assumptions, indicate the earth is far too young to allow any significant amount of evolution, whereas, the few processes which seem to indicate an old earth can be easily reinterpreted to correlate with a young age. (Scientific Creationism, (Public School Edition), edited by Henry M. Morris, El Cajon, California, Creation-Life Publisher, Inc, 1974)

Also, see numerous other scientific evidences for the more expedient belief in Scientific Creationism over

[EXHIBIT E-A(5)]

evolutionary theories on the attached addendum.

Secondly, as previously stated, evolution, in a very real sense, can be as religious as creationism. According to constitutional authorities, the exclusive teaching of evolution is not constitutional, legal, or proper because evolution cannot be observed in operation and must be accepted by faith. As noted earlier, changes seen are of "horizontal" nature and "vertical" and are equally to be expected in the creation model.

Evolution is a major doctrine of humanism. Although humanists believe there is no God, it is officially considered a religion (a non-theistic one). This view is legitimated by two Supreme Court decisions, one of which is

[EXHIBIT E-A(5)]

the Torcaso v. Watkins case. Thus, fundamental evolution is not simply a [26] biological theory, but a philosophy of life and meaning. Therefore, evolution could be viewed as a philosophic framework for all non-theistic religions, because it defines man as the highest attainment of the evolutionary process.

The fact that the humanist religion is growing in our country and is actively promoting its beliefs through such areas as education, it is very important to understand the thrust of their dogma. The doctrine of humanism contains other facets that are all interlinked.

Evolution even has its own system of ethics, essentially the ethic of self-interest. "We strive for the good life, here and now. The goal is to

[EXHIBIT E-A(5)]

pursue life's enrichment despite debasing forces of vulgarization, commercialization bureaucratlization and dehumanization." (Humanist Manifesto I)

Evolution even has a program for social action and a doctrine of future things. As a matter of fact, evolutionists have come to believe that they should control future evolution. "They purpose to do this genetic manipulations of various sorts, by control of births, and possible of deaths, by an intellectual elite who will decide who is fit to have children and what kinds of babies are desirable and by state enforcement of their decisions" (The Troubled Waters of Evolutionism, Dr. Henry M. Morris, Life Publishers, 1975)

One man argues, "Today's crisis, apart from natural disasters, can be

[EXHIBIT E-A(5)]

attributed rightly to humanistic mismanagement from an evolutionary perspective of man's right to exploit his surroundings." 21 Scientists Who [27] Believe in Creation, Kenneth B. Cumming, Chief of Biological Services, Washington, D. C.)

Exclusive teaching of evolution has the effect of establishing religious systems as state endorsed and state supported religions. In fact, the teaching of Scientific Creationism is essential in providing the necessary balance to the evolutionary bias presently existing in teaching situations and state approved textbooks, which brings us to our third point, that of legality.

For over a generation, there has been and is now a monopoly in the teaching of evolution-based concepts

[EXHIBIT E-A(5)]

regarding the origin of all life. This monopoly instills (at taxpayers' expense) the one essential of the religion of Humanism, which is the belief that accidental evolution of all plant and animal life, including mankind, came from a once lifeless earth. This monopoly constitutes a violation based on the First Amendment which states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peacable to assemble, and to petition the Government for a redress of grievances." Since public education has become government education, children and college-age men and women in the United States are molded to accept the foundational

[EXHIBIT E-A(5)]

concept (evolution) of a particular religion, Humanism. What exists is a state endorsed religion promoted by large amounts of tax monies in the teaching of the foundational concept of this religion. [28]

The fourteenth Amendment of the United States Constitution is also violated when children and parents are denied "equal protection of its laws" and the State has, to all intents and purposes, made a law establishing the religion of evolutionary humanism in its school.

Also, the provision of the 1964 Civil Rights Act which denies "...discrimination or separation of any kind on the ground of race, color, religion, or national origin at any establishment or place . . .", is being violated towards Protestants, Catholics

[EXHIBIT E-A(5)]

and Jewish people unless balanced presentations of both evolutionary teachings and Scientific Creationism are made, or, neither.

For decades "academic freedom" has been a one-way street. Scientific Creationism has been excluded from the classroom because of the religious, fanatic, revolutionary humanist. In that a majority of citizens favor giving balanced treatment to the two scientific theories on the origin of life and of man, it is of the upmost importance and urgency that Scientific Creationism be implemented into the teaching systems in all areas where evolution is taught.

* * * *

[29] Suggestions for Implementation

[EXHIBIT E-A(5)]

(1) Although one need not be a scientist to understand the scientific evidence favoring creation, he must take time for a careful reading of some modern treatment of the subject by creation scientists. Therefore, we would suggest several books to be placed on a teacher recommended reading list. See attachment.

(2) Arrangements should be made to conduct workshops on Scientific Creationism for the teachers of the district. These can even be offered on a graduate credit basis, so that teachers can apply the time spent toward a graduate degree, as are many topics used now. For teachers unwilling to teach creationism (for personal reasons) substitutes can be provided; for example

[EXHIBIT E-A(5)]

for a special three week unit on Scientific Creationism.

(3) Creationist literature could be provided for schools and classroom libraries as is evolutionary material. Films and slides and guest lecturers could also be used in providing equalized treatment of both topics.

(4) Funding must allowed, especially in the case to implement remedies of gross negligence of exclusions of Scientific Creationist material in the past [30]

(5) State legislators must take personal interest in seeing that the local school boards understand that to abide by law, they must not delay to equalize this present lop-sided situation.

[EXHIBIT E-A(5)]

[31] SUMMARY OF SCIENTIFIC EVIDENCE FOR CREATION

Scientific Creationism proposes:

I Special creation of the universe and earth.

The first law of thermodynamics says matter cannot create itself, so there must have been an act of creation.

The cosmological theories of past evolutionists have been disproved, such as Hoyles's steady-state theory, Chamberlin's planetesimal hypothesis, Swedenborg's nebular hypothesis, and Laplace's gaseous cloud theory, so there is reason for doubting the big-bang theory of present evolutionists.

Evolution proposes: Naturalistic origin of the universe and earth.

[EXHIBIT E-A(5)]

II Special creation of life.

Life appears sudddenly in the fossil record in complex forms, and gaps appear regularly in the fossil record between animal or plant kinds, so animal or plant kinds must have been specially created in a short period of time.

The second law of thermodynamics says things generally go from order to disorder, so nonliving protein could not have evolved into the first living form.

Laboratory experiments have not created life, and all experiments have depended on unrealistic laboratory conditions, so evolutionists have not proved that life evolved from nonlife.

Evolution proposes: Naturalistic evolution of life from nonlife.

[EXHIBIT E-A(5)]

III Insufficiency of random mutation and natural selection for progressive evolution.

Nearly all if not all mutations are harmful in the natural environment, so the occurrence of beneficial mutations is rare if not impossible.

The concept of natural selection is tautologous, because it simply requires the fittest organisms to leave the most offspring and at the same time identifies the fittest organisms as those that leave the most offspring, so natural selection is not sufficient for favoring beneficial mutations.

The mathematical chance of random mutation and natural selection producing one kind from another is vanishingly small, so mutation and selection could not have produced progressive evolution.

[EXHIBIT E-A(5)]

The second law of thermodynamics says things generally go up from order to disorder, so simple living kinds could not have evolved by mutation and selection into complex living kinds.

Evolution proposes: Sufficiency of random mutation and natural selection for evolution.

IV Fixity of original plant and animal kinds.

Systematic gaps between kinds occur in the fossil record, so present kinds of plants and animals must have been [32] specially created.

No fossil links have been found between protozoa and invertebrates, or invertebrates and vertebrates, or vertebrate fish and amphibians, or amphibians and reptiles, or reptiles and

[EXHIBIT E-A(5)]

mammals, or mammals and primates, so evolutionists have not proved that present living kinds evolved from simple ancient life.

Evolution proposes: Evolution of present living kinds from a simple first living kind.

V _Distinct ancestry of man and apes_.

No missing links have been found between apes and man, and the existing fossils are either the same as modern man (such as Neanderthal and Cro-Magnon Men) or the same as modern apes (such as Ramapithecus, Australopithecus, and Homo Erectus), so man and apes must have been specially created.

Many fraudulent links have been accepted by evolutionist scientists (such as Nebraska Man and Piltdown Man),

[EXHIBIT E-A(5)]

so there is reason for cautiously examining alleged links.

Evolution proposes: Evolution of man from a common ancestor with apes.

VI Explanation of the earth's geology by a world-wide flood.

Catastrophic events are the explanation for mountain formation in the past, the end of the world-wide temperate climate, the occurrence of the glacier age, wide spread volcanic activity in the past, mass extinctions of dinosaurs and other animals, igneous rock formation in the past, and oil and coal deposition in the past, so catastrophic events rather than uniform natural processes explain geology.

Many geologic layers often contain fossils of a presumably earlier or later

[EXHIBIT E-A(5)]

"geologic age," and no regular geologic layers exist worldwide, so a world-wide flood that rapidly deposited fossils and sediments best explains the earth's "geologic column."

Evolution proposes: Explanation of the earth's geology and the evolution sequence by uniformitarianism.

VII Relatively recent inception of the earth and living kinds.

Radiometric dating (such as the uranium-lead method) depends on the assumptions that no decay product was present initially, that no decay product was added through the years, and that the decay rate was constant, and these assumptions are not valid, so the earth and life are not nearly as old as

[EXHIBIT E-A(5)]

evolutionists assume from these dating methods.

Other dating methods such as the rate of the addition of helium to the atmosphere from uranium decay, or the rate of deposit of meteor dust to the earth from space, or the rate of the decay of the earth's magnetic field, give a young age for the earth and life, so the earth and life were created at a relatively recent date.

Evolution proposes: Multibillion year inception of the earth and life.

Documentation from scientific writings for this summary of scientific evidences can be found in Scientific Creationism Pub. Sch. Ed.), edited by Dr. Henry M. Morris, published by Creation-Life Publishers.

[EXHIBIT E-A(5)]

* * * *

[33]

PRO FAMILY FORUM

PO BOX 5936, SHREVEPORT, LA. 71105

1. Biology: A Search for Order in Complexity - Cloth
2. Biology: Teacher's Guide
3. Biology: Student Lab Manuel
4. Biology: Teachers Lab Manuel
5. Evolution: The Fossils Say No!
6. Origins: Two Models
7. Origins: Public School Teacher's Guide
8. Origins: Public School Transparencies
9. Origins: Public School Set (1 book, T. Guide, Transparencies)
10. Origin of Life

[EXHIBIT E-A(5)]

11. Scientific Creationism, Public School Ed. - Kivar
12. Scientific Creationism, Public School Ed. - Cloth
13. Streams of Civilization (Vol. 1) - Cloth
14. Streams of Civilization (Vol. 2) - Cloth
15. Streams of Civilization: Teachers Guide
16. Creation and Evolution: A Comparison - Slides
17. Creation and Evolution: A Comparison - Filmstrip
18. Design in Nature, Filmstrip
19. Fossils, Strata & Evolution, Filmstrip
20. Fossils, Strata & Evolution - Classroom Edition, Film

21 Mystery of Early Man, Filmstrip

22. Winged Royalty, Filmstrip

[EXHIBIT E-A(5)]

ORDER FROM:

Institute For Creation Research
2716 Madison Avenue, San Diego, Calif.
92166
Ph-(714) 449-9420

[bock prices omitted]

[EXHIBIT E-A(5)]

[34] [photographs not reproduced]

Dr. Henry M. Morris is Director of the Institute for Creation Research and President of Christian Heritage College. With his Ph.D. from the University of Minnesota, he has served on the faculties at five major universities and is author of more than 25 books in his professional field (hydraulics and water resources) and in the field of scientific Biblical apologetics.

Dr. Duane T. Gish is Associate Director of the Institute for Creation Research. He has degrees from both UCLA and the University of California at Berkeley (Ph.D., Biochemistry), as well as 18 years of experience in biochemical and biomedical research at Berkeley, Cornell University, and the Upjohn Company. Dr. Gish is widely known as an effective

[EXHIBIT E-A(5)]

lecturer and debater for scientific creationism.

Dr. Steven A. Austin has degrees in geology from the University of Washington, San Jose State University and Penn State University (Ph.D.). He has published numerous papers. He is now Research Associate in Geoscience with ICR, as well as Associate Professor of Geology at Christian Heritage College.

Dr. Richard B. Bliss is the Director of Curriculum Development of ICR and Chairman of the Education Department at Christian Heritage College. He received his B.S. and M.S. from the University of Wisconsin and his Doctorate from the University of Sarasota in science education. He has served as Director of Science Education for a large unified school district in Wisconsin.

[EXHIBIT E-A(5)]

Dr. Kenneth B. Cumming is Chairman of the Biology Department at Christian Heritage College and Research Associate in Bioscience for ICR. He has a Ph.D. in biology from Harvard University, as well as extensive research, teaching and administrative experience with the federal government and in three universities.

Dr. Gary E. Parker, ICR Research Associate in Bioscience and Professor of Biological Sciences at Christian Heritage College, did his doctoral work in biology and geology. He is the author of five widely used programmed instruction books in biology. Dr. Parker, a member of Phi Beta Kappa, was Associate Professor of Biology at Dordt College before coming to ICR. He has received national fellowship awards from both AEC and NSF.

[EXHIBIT E-A(5)]

Dr. Theodore W. Rybka is Associate Professor of Physics at Christian Heritage College and Research Associate in Physics at the Institute for Creation Research. He has the Ph.D. in physics from the University of Oklahoma.

Dr. Harold S. Slusher holds joint appointments in the Department of Physics at the University of Texas (El Paso) and as Head of the Geoscience Department at Christian Heritage College. He is Research Associate in Geoscience at ICR and has a B.S. in physics from Tennessee, an M.S. in geophysics from Oklahoma, and a D.Sc. from Indiana Christian University.

INSTITUTE FOR CREATION RESEARCH

[EXHIBIT E-A(5)]

PURPOSE The Institute for Creation Research is working to bring about a revival of belief in special creation as the true explanation of the origin of the world. The evolutionary philosophy has dominated the world's scientific and political establishments for several generations, and there is urgent need for our nation to return to belief in a personal, omnipotent Creator, who has a purpose for His creation and to whom all people must eventually give account. In the past, the creation concept has been promoted mainly on theological and moral grounds. ICR, on the other hand, is now showing that creation is a better scientific concept than evolution for explaining the origin of the world and the meaning of history. Its highly-qualified staff of scientists has developed an effective program of

[EXHIBIT E-A(5)]

research, literature and education in creationism. The cooperation and support of churches and other groups, as well as of concerned individuals everywhere, is needed if these goals are to be accomplished.

RESEARCH PROGRAM ICR conducts and sponsors research projects which bear promise of significant impact in the scientific realm supporting creationism. Current projects include: plans for an expedition to continue the search for Noah's Ark and other ancient human artifacts near Mt. Ararat, as soon as official permits can be obtained; documentation of human fossils in supposedly ancient geologic strata, as well as other fossil anomalies; field studies on inverted geologic sequences; studies on complexities in the design of living systems; analytical studies of

[EXHIBIT E-A(5)]

evidence for a recent creation; development of new methods for teaching scientific creationism in public schools; and continuing library research in current scientific publications dealing with origins. Specific research projects are normally dependent on grants or gifts designated to the particular project for support.

LITERATURE PROGRAM One of ICR's main goals is to prepare textbooks, reference books, technical monographs, and popular review books which will explain and support scientific creationism. It is especially important to write text and reference books in the various academic disciplines and at various grade levels which will incorporate the creationist perspective as a viable scientific alternative to evolution in those disciplines as practically all textbooks

[EXHIBIT E-A(5)]

in current use are either openly or implicitly biased in favor of evolution and humanism. In addition, ICR publishes a popular monthly magazine, Acts & Facts, available upon request at no charge. Transcripts of its weekly radio broadcasts are also furnished free of charge.

EDUCATION PROGRAM ICR uses a variety of means to acquaint scientists, teachers, students and the general public with the scientific evidence for creation, as well as the scientific fallacies in the evolution concept. Some of these are: (1) College-level courses on scientific creationism conducted each year at Christian Heritage College, available both during the regular school year and during summer school; (2) week-long, intensive, Summer Institutes on Scientific

[EXHIBIT E-A(5)]

Creationism, conducted in cooperation with various other colleges; (3) workshops and seminars on creationism held in numerous locations in the United States and Canada; (4) promotion of creationist books and literature; (5) lectures and debates on college and university campuses; (6) lectures for various scientific, educational, and religious groups; (7) weekly, nationwide radio broadcast; (8) television and radio appearances; (9) newspaper and magazine articles.

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[36]

Nov. 25, 1980 Myron H. Young

MY BELIEF ON CREATION THEORY

I have been an Engineering Professor at LSU for more than twenty years, and am currently working at LSU's Center for Wetland Resources.

I believe that a scientist should keep all scientific theories in mind when investigating the world, even if some of these theories are in apparent conflict with each other. The purpose of science is to increase our understanding of the universe through the communication of ideas and discoveries relevant to investigations of nature. Without such communication, scientific information can benefit no one.

[EXHIBIT E-A(5)]

Through our modern school systems many scientific theories have been passed on to the generations of future scientists. Yet despite current educational attempts, not all scientific investigations and theories have been presented in the classrooms. An example of such omission is in the presentation of theories concerning the origins of our world. Many public schools have taught the theory of evolution as though it were an absolute truth, meanwhile not even mentioning an equally possible theory. Few people seem to realize that there is a great deal of scientific evidence for the theory of creation ex nihilo. Worse yet, in some classrooms it is not even recognized as a scientific theory.

[37] The Theory of Evolution cannot explain everything observed in biology.

[EXHIBIT E-A(5)]

In fact, scientists are finding themselves forced to modify current theories of evolution because of the many new biological discoveries being found each day. This situation is not uncommon. Many scientific theories which had been accepted for centuries were later proven to be inadequate. An example is in the case of classical Physics developed by Isaac Newton's time. It was not until the work of scientists such as Einstein that the Quantum Theory became accepted as a theory which explained the inadequacies of classical Physics.

Since scientific theories are subject to change, alternate theories should always be considered. The theory of Creation ex nihilo helps to explain how creatures as biologically complex as ourselves could have come to exist in an

[EXHIBIT E-A(5)]

universe where the entropy is constantly increasing. As an engineer, I cannot overlook how the theory of Creation ex nihilo takes into account the second law of Thermodynamics. The second law of Thermodynamics is concerned with entropy and governs all physical processes taking place in the universe. This law is well tested and can be verified repeatedly in the laboratory. It simply states that the randomness or "entropy" of the universe is constantly increasing and that all physical [31] systems tend to go from an ordered state to one of disorder. The theory of evolution, however, is in apparent conflict with this law of Thermodynamics; therefore it is inadequate. Obviously, we cannot truly rely on the evolution theory alone to explain the origins of the world in a dogmatical manner. I have stated only

[EXHIBIT E-A(5)]

one of many scientific discoveries which support the theory of Creation ex nihilo, but it should be evident that if purpose of science is to be upheld, we must not fail to communicate any theory which deals with a subject as important as the origin of the world we live in. For the sake of science, the theory of Creation ex nihilo must be presented in all public schools.

Tolerance of all ideals in a democratic society is what makes America great. As a result of this tolerance, Americans have gathered many new ideas and have shaped them to form richer lives. But when the public schools favor a theory while omitting an equally possible theory, we lose this greatness so deeply cherished. Such a school policy is in direct conflict with our democratic principles.

[EXHIBIT E-A(5)]

Many centuries ago, scientists such as Galileo Galilei and Johannes Kepler were faced with persecution from the Church for their scientific beliefs. Today, our educational system is just as guilty of intolerance as the Church was in the days of Kepler and Galileo.[39] As in the distant past when men would not accept new ideas which were contrary the Church, today we are finding that the schools are afraid to teach a scientific theory which is not contrary to the Church. So that the communication of scientific ideas and discoveries may be unhindered, I propose the teaching of both theories in public schools. The Creation theory should be presented to the students as a theory, and the evolution theory should also be presented, in its proper aspect, as a theory. Students may then make up their minds as to which to believe, or whether to reject both. Since neither of these theories can be proven absolutely, their acceptance is strictly a personal choice. But to restrict the knowledge of our students by omitting one theory in deference to another theory would be a denial of the students' rights to choose for themselves which theory they would accept. Failure to communicate the scientific evidence and details concerning the Creation theory contradicts the very purpose of science. Failure to teach science that is unhindered by prejudiced assumptions inhibits learning.

In the teaching of science, all possibilities should be considered objectively, and not arbitrarily ruled out. The individual teacher might have his own opinion about which theory he prefers, but he has an obligation to

[EXHIBIT E-A(5)]

present all theories. In the interest [40] of promoting true scientific inquiry and in accordance with our democratic ideal of tolerance we must not fail to present equally justifiable scientific theories in the public school classrooms. I advocate presenting both theories as theories.

[EXHIBIT E-A(6)]

[1] JOINT SUBCOMMITTEE ON ELEMENTARY AND SECONDARY EDUCATION

December 16, 1980

SEN. PICARD: Because of the number of people that wish to be heard on this topic, we are going to ask that you limit your presentation to as close to five minutes as possible. Our first speaker is Dr. Douglas Osley. When you come forward, please identify yourself, and who you represent.

SEN. KEITH: Excuse me Senator, during the presentation will we be allowed to question these gentlemen as they speak or if we have some questions that we would like to ask, will it be necessary to wait until after the

[EXHIBIT E-A(6)]

presentation and make those questions known.

SEN. PICARD: Because of the number of people that need to be heard Senator, if it is o.k. with the committee, I would ask that you jot down your questions and have them identified for whichever presenter you would like to question. I feel the members should know that Senator Keith will have an opportunity to close with comments at the close of the presentation today.

DR. OSLEY: If anyone studies the evidence of laboratory field with an open mind, he will be convinced of the truth of evolution. The evidence comes with [unintelligible] of anatomy, the remarkable parallels in embryology, and from every increasing data, in [unintelligible]. I am a physical anthropologist whose research areas [2]

[EXHIBIT E-A(6)]

includes human [unintelligible] politics. I would like to emphasize that we have a very exhausted and complete fossil record of the human life. Our studies do not rest upon the interpretation of a few fragmentary assessments. We now have thousands of bones from our pre-historic ancestors. [I] have brought with me both slides and [unintelligible] which document change through time and human appearance. I have now a slide presentation. Could you darken the room please. What I would like to do is just demonstrate that there has been a drastic change in human appearance through time. This would be a recent human skull. This is really only a couple of years old. If you notice it has a high forehead. One of the things that physical anthropologists frequently do is that

[EXHIBIT E-A(6)]

they measure the brain capacity. They do this by measuring the inside of the cranial volume. A modern day human skull would average approximately 1450 cubic centimeters. If we go back 20,000 years, you can see that it has still a high vertical forehead a modern appearance, and it is all more [unintelligible] in what it looks like. We will go back just a little bit further, this is 35,000 years and this specimen you can see that it still has a fairly high forehead. It also has a more pronounced brow edges and it is showing a little more facial prognathism. He could walk down the street and you would not notice the different in modern man. Now we will go back 60,000 years and you can see now that we are starting to show a greater sloping of the forehead, a longer

[EXHIBIT E-A(6)]

cranium, the brow edges is [3] more pronounced and the face again continues to protrude more than what we see in modern man. This is just what is the drastic change that has occurred in the past 60,000 years. Now, we will show a fossil specimen that dates to 300,000 years ago. It is a very recent discovery. They are now just taking it out of the matrix which is where it was found. That is why the face looks like it has a pitting because of the limestone deposits still on the face. The cranial capacity on this now is no longer 1450 cubic centimeters. The major cranial capacity for this specimen is now 1225. We can take that fossil. We can do it in this room. Now we are back 800,000 years. The cranial capacity is no longer 1450 cubic centimeters. The cranial capacity now

[EXHIBIT E-A(6)]

measures from this fosssil at 900 cubic centimeters. So, just looking at one characteristic internal [unintelligible] of the cranial or skull, it is getting smaller as we look back 800,000 years. Also, you can see that the forehead is still now more sloping and continuing along those lines. If we go back 1.8 million years, and this is a past of this fossil here, the cranial capacity now when they measure that is no where that we would think that the cranial capacity of modern man would be. The measured cranial capacity on this specimen, 1.8 million years is 725 cubic centimeters. If we go back' 3 million years, we are now down to a skull that is this size, it is different in its appearance in modern humans, but you can still look at it and say that it has essentially a human appearance. The

[EXHIBIT E-A(6)]

cranial capacity is now [4] 513 cubic centimeters on this specimen. So what I have been able to demonstrate with this slide is that there has been gradual change in human appearance through time. I can do this for hundreds of fossils and I have hundreds of slides in my scope. Scientists such as biologists, geologists, and paleontologist, and anthropologists are under the general consensus which recognizes a change through time. Where they differ is in the details as to how evolution takes place. As a paleontologist, I feel that more of the legislation that the creationists books and pamphlets that have been prepared for classroom instruction are not good examples of scholarship. They misquote, they quote selectively, they quote out of context, and it should also be noted that the

[EXHIBIT E-A(6)]

creationists have no model in relating the various species. If this material is to be entered into the science classroom, it means a [unintelligible] mechanism, of explaining the fossil evidence, that explaining the similarities between the two species. Science does not require both but rather the willingness to follow the factuary with their lead. Science rests upon evidence and mechanism. Special creationism offers us neither.

DR. DAVID DUNN: My name is David Dunn, and I am the Dean of College of Sciences at the University of New Orleans. I am here today as a spokesman for the Louisiana Council of Deans, Arts, Sciences and Humanities. This is an organization that compose of the deans of the colleges of arts, sciences, and humanities of every institution in

[EXHIBIT E-A(6)]

the state of Louisiana. At their annual [5] meeting on December 4 and 5 of this year, the council discussed the legislation that is before us now and I was ask to be the general spokesman for that group. It is the strong feeling that the council of deans that content of [unintelligible] force should be left to the decision of the classroom teacher and to the department to which that teacher belongs. It would mean that the people in the trenches are the only people in a position to decide upon [unintelligible]. Obviously, legislative derogative to even say that biology should or should not be taught. Once that is established, biologists should decide what is hopefully the content of the course. Within a cross section, there are a great number of practicing Christians. There are a lesser number

[EXHIBIT E-A(6)]

of Jews, Hindus, Moslems, some agnostics, some anything. The point is that there are a representative cross section of society. I don't believe that this committee would really like to be in that position of turning over to that diverse group a necessity of teaching and interpreting the Christian Chapter of Genesis.

DR. NICK CANADY: My name is Nicholas Canady. I am a professor at LSU. I am president of the Faculty Senate. However I am appearing today on behalf of the American Association of University Professors. The La. State Conferences 1100 members, the National Association has about 80,000 members. I am here mainly to comment on the academic freedom aspects of this proposal. As you know, many of you, our association has long been associated

[EXHIBIT E-A(6)]

with academic freedom. I always felt it [6] strange to say whenever I say the words academic freedom, that this is not a special prerogative of educators. Academic freedom is the cornerstone of education. It exists more as a benefit of society. It assures a free pursuit of truth, a free transmittal and publication of truth and this seems to be absolutely essential in a free society. I simply would like to raise several issues that we are interested in that this proposal seems to infringe upon. I think basically it is an infringement upon academic freedom. This is because it attempts to determine the content of the teaching and the learning. The second place it seems it could lead inevitably will lead to the introduction to similar bills by other pressure and interest groups. The third

[EXHIBIT E-A(6)]

place, it seems rather unfair and unsound to require teachers to learn the theology is the basis for this as the previous speaker said to encourage those untrained in this to take this approach. And then in last place, it seems to me that you have a problem of which religious philosophy that you are going to encourage. As you know, there are many. Can you really encourage anyone without the establishment of religion which is clearly unconstitutional. Thank You.

DR. WM. W. CRAIG: My name is Bill Craig and I am chairman of the Earth Sciences Department of the University of New Orleans I think I can be very well said to represent that department in my opinions. I find myself in rather a peculiar position. I was just in the audience saying a little prayer that

[EXHIBIT E-A(6)]

what I have to say here comes out meaningful. I wish to thank the committee [7] for the opportunity to come and speak before them on the proposed legislation that would require the subject of scientific creationism to be taught alongside or as an alternative to scientific theory of organic evolution. Rest assured that I understand the very delicate nature of the controversy that is the importance to apprise our citizens of the Genesis account of the version of living things. This account that is so strongly associated by the power of God that disputed the [unintelligible] amount of the attack on the very concept of the existence of God. I understand your concern that the children are not exposed to the account of that origin of living things quite differently from the

[EXHIBIT E-A(6)]

Genesis account and that is the theory of organic evolution which provides no place for Americans instituted by a benevolent creator. To make a point, religion and scientists are mutually exclusive in areas of human concern. But each pursuing different goals by different methods. Any situation which results in experienced visions between religion and science diminishes the value of each of us as human beings. Science is a mans' eye level at the world around us in an attempt to explain what we see in terms that man will understand. Its goal is to understand things as in rational terms. Religion is a search through some medium through life that turns into a mortal existence. Its goal is to make us better human beings. Science could not care less about what kind of human beings we are.

[EXHIBIT E-A(6)]

Religion, you notice I mean belief in God, is not overly based in observations. [8] Sorting through the facts and [unintelligible]. Science never accepts anything on faith. Science never reaches a point in its investigation where it says beyond here, things are arranged as God would have them arranged. Beyond here, events are controlled miraculously. To do so, it would draw a big curtain on further investigation and understanding because man could not investigate the logic of a God. The desire to understand everything we can is a very human characteristic and an existent desire to develop our present body of knowledge of the world we live in. There is a group of people though be it small in number that believes that a persons physical health is through the grace of God.

[EXHIBIT E-A(6)]

Sickness is a punishment and the cure is righting yourself in God's eyes. It is a belief not without Biblical support. It is called the Deuteronomy principle which reads something like this. The good will prosper and the evil shall be blown away like shaft on a grain. Can you imagine the state of medical science if this opinion prevails. Can you imagine going to the doctor in pain and saying I am hurting and my symptoms are such and such and the doctor says, Well, it doesn't matter. Go to church on Sunday and get your life right. Now you may very well go to church, but I'll bet you also look for another doctor. You may wish to have the basis of the man's medical license examined. A doctor who has a patient who should have died that lived, may truly think he has seen a miracle. He may know the [9] patient's

[EXHIBIT E-A(6)]

loved ones are out in the waiting room praying. Maybe the doctor was praying too. But his gut reaction to the situation is [unintelligible] study the facts of this case and hope that I can find out why this individual who should have died lived. If I can understand it then I can help others who are in the same situation as this. That is the history of medical science. Can you imagine this situation. Those individuals who subscribe to Deuteronomy principles who step forward and say, do you teach health science in school. Good health, through balanced diet, taking care of yourself, avoiding viruses and germs. This is offensive to us. We have quite a different viewpoint of health. Everywhere you teach health, we desire that you cover our viewpoint too. If you can imagine that situation,

[EXHIBIT E-A(6)]

then you can imagine what this bill before you proposes. Actually, bringing in religion in the science fashion. Now creationists will tell you that they don't expect you to accept creation on faith. After all, we are talking here about creation research or scientific creationism. This is the scientific theory. We think that all the information that scientist use to support evolution actually supports creation instead. But beware of this argument. The evidence they use is negative. In lieu of it is positive evidence and if they take the evidence used by scientist to develop evolution and say this bit of evidence supports six days of miraculously creation. What they really do is pick and pick until the bone of it points to the scientific theory. There are parts of the [10]

[EXHIBIT E-A(6)]

process that we do not fully understand. Literature is full of our statements. Creationists pounce on these statements saying that if they do not know these things how can you believe anything they say. Beware of this because it is the most subtle policies. The policy is this. Because they do not know eveything, they do not know nothing. Doctors do not know what causes the commonm cold. They do not know how aspirin works. There is a long list of incurable diseases. If doctors do not understand these things, how can we believe anything that a doctor signs. At this point, we were told by a creationist that here is a know nothing theory that must be distorted and where do you turn, of course, to the scientific creationism. It is not because it is support by positive

[EXHIBIT E-A(6)]

evidence but by default. If there was reported a piece of evidence that casts serious doubt on the theory of evolution and scientists agreed that it did. Such doubt that the theory had to be cast aside and rest assured that science would not turn to creation as the next best explanation of the origin of life. It can't because creationism is serious. It cannot be investigated, it cannot be understood. It is an unscrupulous mirror and as a necessity falls outside the [unintelligible] of scientific inquiry, the creationist would have brought into science classes religion really masquerading as science, the situation that would so thoroughly confuse the division between religion and science that we would be unable to separate that which is religion and that which is science. And a society that

[EXHIBIT E-A(6)]

cannot [11] make this separation would have neither good religion nor good science.

DR. DOUGLAS ROSSMAN: My name is Douglas A. Rossman. I am here representing myself. I received a PHD in zoology from the University of Florida in 1961 and currently hold the rank of Professor of Zoology at LSU where I introduce and still teach a course in evolution. I am also a professing Christian and an active deacon in the University Presbyterian Church here in Baton Rouge. As one who sees no conflict in accepting both evolutionary theory and the existence of a creator God, I am deeply concerned about the intent and probable effects of the creation bill. The proponents of the bill seem to be trying an indrum around the principle of the separation

[EXHIBIT E-A(6)]

of church and state by trying to pass off creationsim as a scientific discipline rather a religious doctrine. Simply calling it a science does not make it one. The scientific method requires once conclusions be based on measurable or otherwise testable observations. The conclusion that organic evolution which is defined as a change of species through time has taken place and is in fact still occurring is based on such scientific data. The evolutionary theory of natural selection is an explanation of the mechanism by which the species change and these species come into being and it also is based on a tremendous body of scientific data. Scientists do not pretend to have answers to every question and in fact from a scientific theories often replace omens with new data or reasonable [12]

[EXHIBIT E-A(6)]

explanations become available. But in all cases conclusions have testable data as their basis. On the other hand creationism is based on the acceptance of non testable assertions and thus is non-scientific. Since creationism is not to be scientific discipline, it should not be presented as one in a science course. Creationism is a religious doctrine and as such should not be taught in public schools except perhaps in a non-required course. I respect the right of the supporters of this bill to hold their personal religious beliefs and to teach these beliefs to their children. The proper place for religious instruction is in the home and in the church. In closing I wish to reiterate that evolutionary theory is not a religious doctrine. I believe that the creationists

[EXHIBIT E-A(6)]

misunderstanding evolution has become unnecessarily apprehensive about it. There is nothing evolutionary theories can say that denies the existence of a creator God. And if it turns out that the Almighty chose to create this world and the life on it through an ongoing process rather than literally six human days, why should this be disturbing. It seems to me that God the infinite can create as he pleases and it is not for us to find the games to try and legislate limits of his power.

DR. GEORGE C. KENT: I am a member of the Louisiana Academy of Sciences. I have only a few statements to make. Statement No. 1. Science is a method and a body of data. The method that is of collecting data by observation, using the senses, seeing, instrumentation. On these data the scientist hope ultimately

[EXHIBIT E-A(6)]

to say [13] that I conclude. Statement No. 2. I will not attempt to define religion since the word accounts different things to different people. However, the method that can be stated, the method of religion is revelation. Or you may call it intuition. Or inspiration. Or a still small voice speaking to the mind of man. Whereas the scientist is logically bound to say, I conclude, the student of religion says I believe. This characterizes the basic difference between these two disciplines. Statement No. 3. There is no conflict between these two methods of a search for truth. The validity of one method cannot be said to be superior to the validity of the other. The majority of the scientists accept the basic religious doctrine as human beings along with the conclusion of science as

[EXHIBIT E-A(6)]

scientist. No. 4. The scientific theory of organic evolution says only that the animals and plants on this planet have been changing. This theory can never be proven since it is not subject experimentalrpetion. This should be made clear to the student, however, the data constitutes overwhelming evidence supporting the validity of the premise. The theory of organic evolution does not affirm or deny the existence of a supreme intelligence, nor does it affirm or deny a mold of a supreme creator in the creation process. Because of the limitation of a scientific method, science must be mute on this subject. No. 6. Therefore, with reference to the proposed bill, the question is shall a religious belief whether Hebrew, Moslem, Christian, or any other religion be

[EXHIBIT E-A(6)]

introduced into a class that is called [14] science. I would like now to read a short letter from the president of the academy. One of the stated purposes of the academy is to promote the cause of science. We are an affiliate of the American Association of Advancements of Science and I wish to call your attention to the resolution regarding legislation which would require public schools to teach creationism along with the theory of evolution. The Commission of Science Education is vigorously opposed by attempts by some boards of education and other groups to require that religious accounts be taught in science classes. During the past century and one half, the earth and the fossils preserved in it have been intensively studied by geologists and others. Biologists have studied the

[EXHIBIT E-A(6)]

origin structure and genetics of living origin. The conclusions of these studies that the living species of animals and plants that evolve from different species that lived in the past. The scientists involved in these things have the body of knowledge and the knows the biologic theory of the origin of the evolution of life. There is no currently accepted or current scientific theory to explain it. A scientific statement must be capable of tests. It is acceptable only if after repeated testing. Thus the statements that are a part of any religions have no place in the domain of science and should not be regarded as reasonable alternatives to scientific explanations. This resolution should be regarded as my response to the issue as president, science classes should keep science.

[EXHIBIT E-A(6)]

Other views of creation belong in social science [15] and humanities classes as they pertain to particular cultures or social groups. Thank you.

DR. PAUL BEISENHERZ: I would like to speak for a moment on one of the tactics taken proponents of the legislation. In creation literature, the statements are made that creation can be shown to be a more effective scientific model of origins of evolution. That evolution cannot be tested. No laboratory experiment can either confirm or classify process which requires [unintelligible] to publish the end result. That evolution is therefore, would be neither fact nor theory nor hypothesis. It is a belief and nothing more. Those in favor of this legislation are neither confused concerning the process of science and

[EXHIBIT E-A(6)]

the nature of a theory. The federation of theory is a basis for a scientific method. Should a significant body of evidence appear, the theory is either revised or replaced by a new and better theory. The strength of a scientific theory lies in the fact that it is the most logical explanation of known facts, principals, and concepts dealing with an idea which is not currently a conclusive test. The creationist view of the theory is more of a hypothesis rather than what has been stated here. The theory of evolution meets the criteria of a scientific theory. The special evidence has accumulated from many disciplines including anthropology, the earth sciences, anatomy, embryology, bio-chemistry, genetics, physiology, and animal behavior. Although we can cite proof from all these disciplines there is no such thing as proof in science. Science [16] advances only by disproofs. A theory is not a theory unless it can be disproved. That is, unless it can be falsified by some experimental outcome. This is a favoritism between these decisions. Evolution has and will be tested in each of the disciplines listed above. It thus far survived the testing quite well. As our opponents contend, certainly there are gaps in our understanding. These gaps do not however disprove the theory of evolution as you will be made to believe. Each discovery has reinforced the existing concepts. The theory of creationsim however cannot be tested. It cannot be disproved. Creationists began with the Bible as their source of data. They must make the assumption that the Bible is the scientific document. Its

[EXHIBIT E-A(6)]

statements must be regarded as unchallengable. Creation cannot argue scientifically that their position must be right by revelation while at the same time creative data that contradicts their prediction as wrong by definition. Creationism by comparable nature becomes an initial given to [unintelligible]. If it does not fit, it cannot be corrupted. Science specifically does not work that way. In this brief time, I hope I have convinced you today that there is a basic difference between a scientific theory and a religious theory. Your committee should be aware that the attempts to equate the two are not actually conveying the true nature of eithe: rule that represent a new tactic to renew an earlier unsuccessful attempt to promote this type of legislation here and elsewhere. Because

[EXHIBIT E-A(6)]

of the significant differences between [17] these two types of theories, we feel strongly that the science classes can only research the scientific theory. Thank You.

NANCY SCHWEITZER: My name is Nancy Schweitzer and I have been in the public school system for 17 years and I think if anyone who has been in the system for that long must be a good Christian. I would like to say that I place an interest in the child first in my work. I have been in the field for 17 years and my field is biology. I have been familiar with most of the textbooks in the field of biology. I would also like to say that even though one text will be assigned to your school, teachers have the availability of more than one text. I represent myself and those teachers who support

[EXHIBIT E-A(6)]

the division of science as a process. The process applied is supported by daily observations. These are presented to students on their level. We have many levels in biology. The topic of evolution is presented in the biology curriculum as a part of process of time. Creationism, whether it be Moslem, Hindu, or Judeo Christian, presently is not supported by data or observation according to the process. Therefore it is not a part of the processors. For such reasons and also the reasons presented by the individual before me. I oppose the legislation of theory that are not presented in science. In the interest of future students and their further education.

C. J. PROBST, JR.: Mr. Chairman, and Members of the Committee. My name is C. J. Probst Jr. I am employed with

[EXHIBIT E-A(6)]

the Department of Biology Science at the University of New Orleans. I am here [18] as a representative of the National Association of Biology Teachers. The general membership and executive committe of the National Association of Biology Teachers, Inc. are quite concerned over recent attempts by nonscientists to disrupt the integrity of science as taught in our nation's schools. This year, state legislatures in Florida, New York, South Carolina, Illinois, Georgia, and Iowa were asked to enact laws requiring either equal time for creationism in public schools curricula or the elimination of evolution instruction. To their credit, none complied. Now, a similar movement is underway in Louisiana. The N.A.B.T. urges the honorable members of this joint committee to consider the

[EXHIBIT E-A(6)]

following: Everything we, as biology teachers, offer our students as science must be estabished through experimentation, publication, critical review and acceptance by the scientific community. Subject matter which does not meet the standards of science should not be part of the science curriculum. Creationism can neither be verified nor refuted through scientific investigation. Models or theories which involve the supernatural are not within the domain of science. Contrasting religion with scientific theories is not the role of the science teacher. Presently, scientists have the responsibility to set the subject matter standards for the certification in science of state science teachers. If L. State legislation were to require inclusion into the science curricula, materials

[EXHIBIT E-A(6)]

derived outside the scientific process then [19] legislators, not scientists would be telling our science teacher what is science and what is not. A solution consistent with fairness and with the American Constitutional system is to keep theology out of science curricula. Spurious attempts to mix them either will weaken both or will lead to totalitarian suppression of one by the other. Thank you.

JAMES A. WHELAN: I am James A. Whelan. I represent myself. I passed out before you the letter that the Iowa State Science Journal used for an article on scientific creationism. Perhaps this will give you some other ideas about what we have been discussing. I am an interested citizen. I was a high school biology teacher for about 10 years and now I teach Natural

[EXHIBIT E-A(6)]

History to the general public. I am deeply concerned about this issue. I concur with the other points made by the other speakers today. In addition, I would like for you to consider these five questions (1) Will only the Judeo Christian concept of creation be taught? Or will all of these be covered. (2) How will you train teachers in religious doctrine? (3) If you present religious doctrines in a science class, do you want the students to test their beliefs against others using the scientific anatomy. (4) Are their any other major publishers of scientific creationism than the creative life press publishing all of the institute for creation research. It just seems to me that it would be of best interest in this issue. (5) Who will bear the costs for this program and how much [20] will it cost?

[EXHIBIT E-A(6)]

The science supervisor of the State of Iowa made an estimate that it would cost 7 million dollars. Thank you very much.

ESSIE C. BECK: I am Essie Beck and I sit on the National Association of Science Supervisors and I am on the Executive Council of State Science Supervisors. I have a statement that I would like to read to incorporate into the minutes. The Council of State Science Supervisors recognizes the intent nature of arguments associated with the explanation of the origin and evolution of life. The controversy surrounding this subject involving a variety of moral, social, and religious issues. Because the public schools is the only one providing information relative to this topic, it is imperative that the classroom teacher employs keen professional judgment in preparing

[EXHIBIT E-A(6)]

instructional activities on the subject. The Council encourages all science educators to respect the freedom of each individual to form personal opinion and beliefs in respect to the origin and development of life. As a professional educator, a science teacher has a responsibility to students knowledge based on current research. Knowledge can be presented with the understanding that all theories are temporarily and subject to revision as these discoveries are made. Scientific theory should be able to (1) explain what has been observed, (2) predict what has been observed (3) be tested for further experimentation, (4) modify the assumption upon which the original theory was based. The Council of [21] State Science Supervisors support science educators in their efforts to

[EXHIBIT E-A(6)]

provide a quality science student. The Council agrees that the decision of the courts on this matter in the course of wisdom of the founding fathers who developed the constitution of our nation. It is our belief that attempts to legislate religious philosophy within the public schools violates the doctrine of separation of church and state and presents other constitutional conflicts which restricts academic freedom. I would also like to say that I agree with Nancy. I have been in the pubic school system for 23 years. I am a Christian. I am a regular church member and I belong the the Methodist Church. Thank You.

DR. JAMES BARR: I am James E. Barr. I confess to be a Christian. I am speaking as an individual here. I have been a classroom teacher for a

[EXHIBIT E-A(6)]

number of years. My background is in biology, and I have about 20 hours of chemistry. I object to this type of legislation for several reasons. One, is here we are debating a topic that has been debated for perhaps as much as 2000 years. The Greeks debated the same topics when they debated realism and idealism. The same things were debated less than 100 years ago. Now here we are again. It seems as though we never learn. We can never seem to separate religion from science. Religion is a completely separate entity from science. I find it [unintelligible] to try and pull religious concepts into public schools. That is something that is contrary to our constitution. Especially during this time and day. Now, no [22] way. I don't want to discourage the issue. The agreeing of

[EXHIBIT E-A(6)]

making a teacher discuss these things in the classroom but at the same point, being forced to teach them is like forcing a doctor into something. This is contrary to our whole foundation. One brief statement is that when you look at science, you see it is based on facts. You see it based on theory. You see it is based on observation. We look at religion. We see it is based on faith. Faith is a completely separate entity. Now, I don't think it should be combined in here. If you instituted a religious value into a science classroom, and would compare it with a science concept, I think you would make it more difficult to believe in a creationism theory. This would even have a detrimental effect. Thank You.

ELEANOR THOMAS: I am Eleanor W. Thomas and I am a science teacher. I am

[EXHIBIT E-A(6)]

president of the Louisiana Science teacher's Association. I wish to present the LSTA's position on the inclusion of the modified science theory in science instruction. Throughout recorded history, man has been vitally concerned about finding out all he can about the human race. He has explored it, and raised many questions about it. He has developed systems to aid him in the understanding of the origin. Science is the system of knowing about the universe through data collected by observation as told in experimentation. As data of these theories are advanced, they are explained and accounted for what has been observed. The true testing of theory is three [23] fold. One, its ability to explain what has been observed. Two, its ability to predict what has not yet been observed.

[EXHIBIT E-A(6)]

Three, its ability to contested by further experimentation to be modified by the acquisition of new data. The Louisiana Science Teachers' Association oppose the right [unintelligible] the obligation of each individual to become informed about man's many endeavors. To understand and explain what each endeavor has contributed to mankind and to draw his own conclusions in each area. We also recognize the great obligation to that area of education dealing with science. Science education cannot treat as science those things not in the domain of science. You cannot deal with as science. Concepts that have been developed in other than scientific ways. Moreover, the La. Science Teacher's Association vigorously opposes all action that would legislate, mandate, or force intrusion and

[EXHIBIT E-A(6)]

[unintelligible] in the textbooks of any theory that do not meet the [unintelligible]. Thank You.

DR. BRUCE THOMPSON: I am Dr. Bruce Thompson. I am at the LSU Center for Natural Resources. I am speaking here today as a private individual. My background is basically I consider myself a student of evolution over the past 10 years. My primary interest is in research. Bills requiring the discussion of creation in high school biology courses mentioning evolution are being submitted yearly to state legislators. They are modified repeatedly to test what may eventually become acceptable to legislatures in each particular state. In regards [24] to creationism theories about life, we find ourselves in a rather peculiar position. Because many people were

[EXHIBIT E-A(6)]

taught from childhood that there was a creator who is to revered absolutely and unquestionably. In creationist theories try to introduce creationism in the classroom as an alternative biological theory to evolution. They must recognize that they are required to give creationism the status of the classifiable idea. That is the basic of science. That is an idea that loses any special exemption from scrutiny. That is accepted as conceivable being false. It must be continually tested until the question is settled. A science classroom is not the place for an idea that is to be revered as holy. If efforts to keep creation and creator in such status in regards to the history of life on earth, then the science teaching in public schools then such efforts would properly be reviewed as efforts to introduce religion into the classroom. Fundamentalist creationism is not a science. There is more vocal practioners. There are more advanced degrees in science. Creationism has been thoroughly and repeatedly considered over generations and rejected as the outside the realm of science by the scientific community. It is not a scientific alternative to any form of evolutionary theory and unlike much of the Bible it has no bearing on morals or ethics. Like flat earthism, which granted photographs of this earth from space as frauds is an interest only into historical aspects and as a sociological aberration. [25]

JAY EDWARDS: I am Jay D. Edwards. I teach anthopology at LSU. I would like to briefly touch on the same points made by the previous speaker. That is,

[EXHIBIT E-A(6)]

the scientific creationism, is it really science or is it religion in disguise. As a method for interpretation of the real world, science is based on a number of fundamentals. One of these is the individual scientists celebrating. He is always prone to errors. His knowledge is limited. And his interpretation is never the ultimate of the last work. Science is a method of constantly improving, constantly disconcerning, constantly testing. The scientific perspective [unintelligible] involved and a particular theory must be considered. We see this clearly when a creationist is presented some new evidence of human evolution. They employ one of two basic packets. The only surprises that we have recently as evidence accumulates is that the [unintelligible] has been pushed further

[EXHIBIT E-A(6)]

and further back to 2 million years. In order to assess whether scientific creationism is truly scientific, ask it's proponents to call in [unintelligible]. What scientific evidence would you accept as proof that your interpretation is invalid. I will be glad to state the evidence that I would accept. That is that this confirmation of the theory of human evolution if we found in the geological record evidence of vast destruction on a local scale, all dated at say 3000 B.C. and all scientifically dated by a variety of methods. I would have to accept the theory of catastrophism. In fact, what we say is evidence of only local catastrophes of the type [26] which we see occurring in our present world today. We found that before that period of 3000 B.C. only fossil evidence

[EXHIBIT E-A(6)]

were small grain ape like creatures and following it were fossils of larger grain. Then I would accept and even demand that the theory of creation be included in our education curriculum. In fact what we find is evidence for continuous uninterrupted growth as small grain of [unintelligible] with larger grain of perrennial development who is increasingly associated with the tools and symbols of [unintelligible].

SEN. PICARD: Is there anyone else in the audience who wishes to be heard. If not, this concludes our list of speakers. Senator Keith.

SEN KEITH: Senator Picard, this has been a very impressive array of speakers from scientific community here today. Trying to answer the questions that they have raised makes me feel sort of lion in a den of Daniels. But

[EXHIBIT E-A(6)]

nevertheless, I am not qualified by any means to answer the questions that they have raised and I freely admit that. But I would like to make some closing remarks, Senator Picard. I would like to recommend to this committe that another hearing be held and that would be more in the form of a debate whereby the members from this group say choose three or four representatives and I will select three or four representative and we would be able to challenge the statements made by one another. For instance, on the last speaker, Dr. Edwards, said that he would like to ask a question. I think that would be very helpful, Mr. chairman, if we could. They have had 15 speakers here today and they [27] have made very excellent presentations. I am sure that they are all very sincere and committed people.

[EXHIBIT E-A(6)]

but you will recall that two weeks ago, we had a large number of people come in for a hearing. People from the scientific community. Some of the people here are from the University of New Orleans. We had people from the University of New Orleans. We had people from LSU also. We had people who are your colleagues who did not agree with you. It has been repeatedly said during this meeting that I noticed that some said that evolution could be absolutely proven. There were other speakers which said it could not be proven. I think that this notes a serious disagreement over the subject of evolution even in the scientific community. I would recommend that if it would be at all possible sometime after the first of the year, at the committee's convenience, that we devote

[EXHIBIT E-A(6)]

an entire day to this subject because I think that it is quite unfair for the members of the committee who were here today to hear these very fine presentations, some of them were not here whenever the scientists and our universities appeared on behalf of creationism. What I would like to see if for you to be able to challenge those men. I would like for all fifteen of you to be able to ask questions of chemistry professors, the professors of astronomy and biology professors, and I know teachers that are in public schools throughout the state who teach biology. Many of them endorse creationism. I would like to have some of them here. They could perhaps answer questions for you [28] that you want asked. Also, they would give you an oppoortunity to very distinctly and clearly state how

[EXHIBIT E-A(6)]

you feel and they would be able to question you. I am sure that from the quality of people that we have here in this hearing today, that you would be more than glad to answer those questions. Senator, I would hope that we could schedule such a meeting at a later date and have an open quorum and an open debate whereby this group would choose four or five representatives and I could bring four or five representatives from the scientific community and they could debate back and forth the questions and I would hope that we could promote this very strongly so that we could have as many members of the community here as possible. Senator, I would remind you that this is one of the most-- there is more public interest in this particular issue than what we realize and I would refer to a

[EXHIBIT E-A(6)]

survey that was taken by a local newspaper in Shreveport which is my city about two weeks ago. In that survey, 76% of the public that were surveyed said that they would like to see scientific creationism added to the curriculum. 53% that they wanted to do away with the teaching of evolution. We have never recommended that you do away with the teaching of evolution. We have been holding hearings last summer, and those scientists had some strong reservations as some of you here today, about whether evolution could really be proven or not. The point that they were making was that the transitional forms is just not there. And I am no scientist by profession, I [29] am a journalist. I was a journalist for 25 years and I make no pretense to be a scientist or even scientifically

[EXHIBIT E-A(6)]

involved, but I have read everything I could find, could get my hands on in the last two years on the subject. One thing that I have come to the perfect conclusion of is that your community is divided seriously divided not only from the standpoint that you are divided from the Institute of Creation and Research, that someone raised the question about this being just a few scientist being interested in creationism. The Institute for Creation and Research has 1500 members and one of the requirements is that you have a Ph.D. in one of the sciences or a masters degree. This is not just a small organization of scientists. I would bring just a couple of more points. I know we have been here a very long time today, Senator, and I won't belabor the issue because I would look forward to that time when we

[EXHIBIT E-A(6)]

can discuss this thing in open debate. No one today talks about the mathematical possibilities for evolution. I was reading a paper that I just received today. It was very interesting. It was written by a mathematician, Dr. David J. Rhodebrach, Ph.D. with the department of mathematics, Univesity of Missouri in Columbia. He was talking about the probability and the missing transitional forms. This mathematician says that to find the mythical transitional forms that would show the evolution from one species into a higher species or as some of you said from a molecule into a man, that the mathematical probability is an [30] impossibility. This was discussed very carefully by a very fine Ph.D. and the presentation was made two weeks ago when the opponents of creationism came

[EXHIBIT E-A(6)]

to speak. Of course, I am sure that you gentlemen are acquainted with Dr. Robert Jastrow, the astronomer. Dr. Jastrow is an atheist, self affirmed atheist. In a brief society, that is his prerogative. Dr. Jastrow writing just recently, he is one of the respected authorities in the field of astronomy in America today. Although I cannot give as good, I wish Dr. Jastrow were here today where he could make this presentation. I don't feel comfortable trying to relate to you how I read Dr. Jastrow. But I have read it very carefully. A great deal was said today about religion being taught in the classroom. It is obvious that most of the speakers have not had the benefit of the bill that I will be introducing. The bill that I will be introducing specifically prohibits the teaching of religion. Now some of you

[EXHIBIT E-A(6)]

refer to that as an end run to circumvent to go ahead and teach creationism and teach religion and disguise it as creationism. That is not my intent. My intent is to see to it that our textbooks are not censored. Right now, those facts that point toward creationism are being censored. In Clarence Darrow's closing arguments in the [unintelligible], he said it is absolutely bigotry to teach only one concept. It is my understanding and in our own open debate you could correct me, it is my understanding that there are only two basic concepts for the origins. One concept is that a creator however you define a creator was responsible for [31] everything that is in this world. the other concept is that it just evolved. And they grew up. Several of you today are apparently

[EXHIBIT E-A(6)]

church going people. I ask you a question. If you believe that a creator formed the universe. Did the creator do it, is this secret. Did he leave no evidences whatsoever in science that would point to his work. I want to touch just again on the subject of separation of church and state. I will be making a point in days to come that right now the concept of the separation of church and state is being seriously violated. The constitutional mandate regarding separation of church and state is being seriously violated because only evolution is being taught in our schools. The first amendment to the constitution prohibits three things. It prohibits the enrichment of freedom of religious exercise. It prohibits the enrichment of freedom of belief and speech and it prohibits the

[EXHIBIT E-A(6)]

establishment of religion. But gentlemen, I would say today to the committee members that what we have in the schools is Louisiana today is a form of religion being taught that advances those religions that hold evolution as one of the tenets of their religion. And these people from the scientific community knows what religions those are. However, it is my belief that scientific creationism would not violate the doctrine or the teaching of the separation of church and state. We don't want the Bible concept of creation taught in schools. Some of you mentioned that the Genesis account is not a scientific account. Why, of course, it is not a [32] scientific account. But there are many many scientists in this country that believe that there are other evidences that

[EXHIBIT E-A(6)]

point to creationism. I believe that the question is one of academic freedom. Even some of you referred to the question of academic freedom. I believe that only academic freedom is will the student be given the choice or will he only receive one model of indoctrination on origins. That is censorship when he is not given both views. And that is one of the basic reasons why I favor this concept. There is much more that could be said but with that Mr. chairman, I will close.

SEN. PICARD: Thank you Senator Keith. Are there any questions from any member of the committee.

REP M. THOMPSON: I have not had an opportunity to read everthing that has been contributed since the starting of these hearings. I was wondering if by the next meeting if the staff could

[EXHIBIT E-A(6)]

research an article in Harper's magazine by Tom [unintelligible] dealing with this subject matter wherein he attempts to explain and analyze the positions taken by the people who support his theory and the reasons why they may support this theory, the reasons why they may accept certain arguments in favor of rejection or so on.

SEN. PICARD: I think we shall have Ms. Burkhart to find this article and research this. I will comment later on this and the status as I see it for the next meeting. Any other questions by the members of the committee to the people who testified today. No questions. I want to thank on behalf of the committee all [33] of those who took time out today from what I know of is busy schedules to appear before this committee, along with Senator Keith. It

[EXHIBIT E-A(6)]

has been very interesting. It certainly is not a unique situation just here in Louisiana. I think there are convincing arguments on both sides. The position that I will take today is that I am going to ask Ms. Burkhart to look at the remaining resolutions that we have been charged with during the interim, and if time is permitting, we will keep both groups appraised of the timetable and if we can work it in before the next regular session, we are going to schedule a full day for you. If for whatever reason we cannot because time does not permit, my suggestion would be that either legislation be introduced or an ongoing continued interim study whereby we can have that debate and both the opponents and proponents can be heard the same day. No action will be taken today.

[EXHIBIT E-A(6)]

SEN. SAUNDERS: It is my understanding that the time allocated for further committee studies is pretty well allocated. I have been talking with Diane and I think we already have studies that we have mandated ourselves to do. We have lots of things beside this. I think that it will be very hard to devote a whole day to this to entertain a debate. For myself, I don't need a debate. I think we can just go ahead and pass the information made available. And if anyone wants to introduce legislation, then of course, during the session, there would be a committee hearing and I would imagine that at that time, Senator Keith, [34] you could probably have one or two spokesmen from each side champion their side and then we will vote on the legislation. As for as finding a date

[EXHIBIT E-A(6)]

for having a full debate or more debate. I just don't believe that it is available.

SEN. KEITH: Well Senator, as always, I greatly respect your wisdom and judgement, however, we are not going to have these people that are here today benefit from hearing the opposition themselves. They are not going to have the benefit from people in the scientific community who disagree with them. Nor are those creationist scientists are they going to be able to hear from these people. I think it would be a very helpful thing and a good thing for the public and for the committee to be able to hold an open debate on this subject.

REP. M. THOMPSON: Senator Picard, if we would have a debate on this I should hope the commitee would be polled

[EXHIBIT E-A(6)]

relative to their attendance at that particular meeting. In all fairness to Senator Keith, when he did present, we had three or four people. For various reasons something during the hearing, we did not have more than two members of the committee present. Today, we do not have a large number of our committee members present for example. If we are going to have a debate, I would hope that it would be for the benefit of those rather than just us.

SEN. PICARD: Good point, Representative Thompson. I will meet with Ms. Burkhart and we will make that determination as soon as possible. Also, I will have the committee polled and advise [35] them of the availability of that particular date.

SEN. SAUNDERS: Senator Picard, I make a motion that we adjourn.

[EXHIBIT E-A(6)]

SEN. PICARD: There is a motion for adjournment, hearing no objection to that, the meeting is adjourned. And I wish for you all a happy holiday season. Meeting adjourned at 3:10 P.M.

[CERTIFICATION OMITTED]

[EXHIBIT E-A(7)]

[1] SLC 81-5186

Regular Session, 1981

SENATE BILL NO. 86

BY MR. KEITH

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to ensure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning

[EXHIBIT E-A(7)]

origins; to bar discrimination on tha basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact; and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 30 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of Sections 3701 through 3706, is hereby enacted to read as follows:

CHAPTER 30. BALANCED TREATMENT FOR CREATION-SCIENCE AND EVOLUTION-SCIENCE IN PUBLIC SCHOOL INSTRUCTION

Section 3701. Short title

[EXHIBIT E-A(7)]

This Chapter shall be known as the "Balanced Treatment for Creation-Science and Evolution-Science Act."

Section 3702. Purpose

This Chapter is enacted for the purposes of protecting academic [2] freedom for the differing values and beliefs of students ensuring neutrality toward the diverse religious convictions of students ensuring freedom of religious exercise for students and their parents, guaranteeing freedom of belief and speech for students, preventing establishment of theologically liberal, humanist, nontheist, or atheist religions, preventing discrimination against students on the basis of their personal beliefs concerning creation and evolution, and assisting students in their search for truth.

Section 3703. Findings of fact

[EXHIBIT E-A(7)]

The Louisiana Legislature finds that:

(1) The subject of the origin of the universe, earth, life, and man is treated within many public school courses, such as biology, life science, anthropology, sociology, and often also in physics, chemistry, world history, philosophy, and social studies.

(2) Only evolution-science is presented to students in virtually all of those courses that discuss the subject of origins. Public schools generally censor creation-science and evidence contrary to evolution.

(3) Evolution-science is not an unquestionable fact of science, because evolution cannot be experimentally observed, fully verified, or logically falsified, and because evolution-science is not accepted by some scientists.

[EXHIBIT E-A(7)]

(4) Evolution-science is contrary to the religious convictions or moral values or philosophical beliefs of many students and parents, including individuals of many different religious faiths and with diverse moral values and philosophical beliefs.

(5) Public school presentation of only evolution-science without any alternative model of origins abridges protections of freedom of religious exercise and of freedom of belief and speech guaranteed by the United States Constitution for students and parents because it undermines their religious convictions and moral or philosophical values, compels their unconscionable professions of belief, and hinders religious training and moral training by parents. [3]

[EXHIBIT E-A(7)]

(6) Public school presentation of only evolution-science furthermore abridges the prohibition against establishment of religion contained in the United States Constitution because it produces hostility toward many theistic religions and brings preference to theological liberalism, humanism, nontheistic religions, and atheism, in that these religious faiths generally include a religious belief in evolution.

(7) Public school instruction in only evolution-science also violates the principle of academic freedom because it denies students a choice between scientific models and instead indoctrinates them in evolution-science alone.

(8) Presentation of only one model rather than alternative scientific models of origins is not required by any

[EXHIBIT E-A(7)]

compelling interest of the state, and exemption of such students from a course or class presenting only evolution-science does not provide an adequate remedy because of teacher influence and student pressure to remain in that course or class.

(9) Attendance of those students who are at public schools is compelled by law, and school taxes from their parents and other citizens are mandated by law

(10) Creation-science is an alternative scientific model of origins and can be presented from a strictly scientific standpoint without inclusion of any religious doctrine just as evolution-science can, because there are scientists who conclude that scientific data best support creation-science and because scientific evidence and infer-

[EXHIBIT E-A(7)]

ences have been presented for creation-science.

(11) Public shool presentation of both evolution-science and creation-science would not violate the constitutional prohibition against establishment of religion, because it would involve presentation of the scientific evidences and related inferences for each model rather than any religious instruction.

(12) Most citizens, whatever their religious beliefs about origins, favor balanced treatment in public shools of alternative scientific models of origins for better guiding students in their [4] search for knowledge, and they favor a neutral approach toward subjects affecting the religious and moral and philosophical convictions of students.

Section 3704. Definitions

[EXHIBIT E-A(7)]

As used in this Chapter, unless otherwise clearly indicated, these terms have the following meanings:

(1) "Creation-science" means the scientific evidences for creation and inferences from those scientific evidences. Creation-science includes the scientific evidences and related inferences that indicate: (a) sudden creation of the universe, energy, and life from nothing; (b) the insufficiency of mutation and natural selection in bringing about development of all living kinds from a single organism; (c) changes only within fixed limits or originally created kinds of plants and animals; (d) separate ancestry for man and apes; (e) explanation of the earth's geology by catastrophism, including the occurrence of a worldwide flood; and,

[EXHIBIT E-A(7)]

(f) a relatively recent inception of the earth and living kinds.

(2) "Evolution-science" means the scientific evidences for evolution and inferences from those scientific evidences. Evolution-science includes the scientific evidences and related inferences that indicate: (a) emergence by naturalistic processes of the universe from disordered matter and emergence of life from nonlife; (b) the sufficiency of mutation and natural selection in bringing about development of present living kinds from simple earlier kinds; (c) emergence by mutation and natural selection or present living kinds from simple earlier kinds; (d) emergence of man from a common ancestor with apes; (e) explanation of the geology of the earth and the evolutionary sequence by uniformitar-

ianism; and, (f) an inception several billion years ago of the earth and somewhat later of life.

(3) "Public schools" mean public secondary and elementary schools. [5]

Section 3705. Requirement for balanced treatment; prohibition against religious instruction; requirement for nondiscrimination

A. Commencing with the 1982-1983 school year, public schools within this state shall give balanced treatment to creation-science and to evolution-science. Balanced treatment of these two models shall be given in classroom lectures taken as a whole for each course, in textbook materials taken as a whole for each course, in library materials taken as a whole for the sciences and taken as a whole for the humanities, and in other educational

[EXHIBIT E-A(7)]

programs in public schools, to the extent that such lectures, textbooks, library materials, or educational programs deal in any way with the subject of the origin of man, life, the earth, or the universe.

B. Treatment of either evolution-science or creation-science shall be limited to scientific evidences for each model and inferences from those scientific evidences, and shall not include any religious instruction or references to religious writings

C. Public schools within this state and their personnel shall not discriminate by reducing a grade of a student or by singling out and publicly criticizing any student who demonstrates a satisfactory understanding of both evolution-science or creation-science

[EXHIBIT E-A(7)]

and who accepts or rejects either model in whole or part.

Section 3706. Clarifications

This Chapter does not require or permit instruction in any religious doctrine or materials. This Chapter does not require any instruction in the subject of origins, but simply requires instruction in both scientific models (of evolution-science and creation-science) if public schools choose to teach either. This Chapter does not require each individual textbook or library book to give balanced treatment to the models of evolution-science and creation-science; it does not require any school books to be discarded. This Chapter does not require each individual classroom lecture in a course to give such balanced treatment, but simply requires the lectures as a whole to give

[EXHIBIT E-A(7)]

balanced treatment; it [6] permits some lectures to present evolution-science and other lectures to present creation-science.

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

[EXHIBIT E-A(8)]

[1] SENATE COMMITTEE ON EDUCATION

MAY 21, 1981

MINUTES

Tape # 2

Senator Brinkhaus: ...substituted with another by Senator Byers, and right now I don't recall the exact gust of it. Madame staff will you advise me what was our decision at the time that we discuss the rescheduling?

Ms. Burkhart: At the time we said we would stop with what we were doing at 10:00 and give the balance of the meeting for SB 86. I suggest however, that if the committee desires to complete the project that its going to have to be enough time left at the end of the presentations to do so.

[EXHIBIT E-A(8)]

Senator Brinkhaus: What is the suggestions then as to an apportionment of the time. by my watch I have 50 minutes remaining approximately, or 45. Bill would you like to split it half and half? 25-25 and then we will devote--

Bill: Pleasure of the committee.

Senator Brinkhaus: Members of the committee may not have much pleasure in this one. Senators Campbell, McLeod, Randolph, Saunders. We have approximately 45 or 50 minutes left before we must go into session. What is the pleasure with the apportionment of the time available for SB-86? Shoot for about 20-20 and then see that we leave some time for squabble of motions that we will expect to have. Senator Keith will you proceed and present your presenters in the order that you wish or have them introduce themselves.

Senator Keith: Mr. Chairman, thank you very much for giving us the additional time this morning. We have heard this bill for this last year and its created a lot of debate and interest not only in the halls of this legislature but throughout the state. I have with me today on my right, Dr. Edward Boudreaux, an internationally known chemist from the University of New Orleans; on my immediate left is Dr. Myron Young, a science professor from LSU, Baton Rouge, and Dr. Charles Harlow who is also from LSU, Baton Rouge and I welcome these gentlemen and they will be assisting me in our presentation this morning. Now, I will remind the gentlemen of the panel that even in our constitution, the constitution says that

[EXHIBIT E-A(8)]

we hold [2] these truths to be self evident, that all men are created equal. It's interesting that the constitution does not say that all men evolved from apes into equality, but that is exactly what you are finding is being taught to our school children in our public schools today. I have prepared a letter for you at the request of Senator McLeod, who serves on this panel. I had talked to a number of scientists throughout America yesterday, and had talked to them about their belief in scientific creationism. If you'll notice the carbon copy of the letter I gave to Senator McLeod, it's in that packet of material, or it's on your desk, you'll notice that one of the gentlemen that I spoke with on the phone yesterday, and gentlemen, I listed the phone numbers of these scientists so

[EXHIBIT E-A(8)]

that in case you wanted to talk with them yourself and confirm what I have to say, you'll have their phone numbers there. Dr. John N. Moore is professor of natural sciences at Michigan State University, he has been a full time science teacher since 1946. When I spoke with him on the phone yesterday, Dr. Moore confirmed to me that yes, he is a creation scientist. The material that you see listed there in that letter will detail what he had to say about scientific creationism. I also spoke on the phone with Dr. Thomas Barnes of the University of Texas. He is a well known physics professor, and Dr. Barnes also is a creation scientist. Dr. Barnes said yes, there is a well of scientific data that points to creationism and that it should be taught and not censored from our public schools. I also spoke

[EXHIBIT E-A(8)]

with a very unique individual named Dr. Robert Jastrow of Columbia University of New York. Now as I noted on this letter to you, Dr. Robert Jastrow is a self-proclaimed agnostic and he is an evolutionist. He has written a number of books however, where he honestly, and openly admits that yes, there is data that points to creationism. As I talked with him I noted some of the things that he said and you'll find that in the material that you have before you on your desk. I think that the question boils down to this. Is there a body of scientific evidence that is being censored from our classrooms and can it be substantiated scientifically as a body of scientific evidence,.. and if that body exists, then I think a determination will have to be made based on that one question. You know it has

[EXHIBIT E-A(8)]

been made a religious issue. I've been accused of wanting to teach the first chapter of Genesis in our science classrooms in our public schools. Not only would I be opposed to that, I have never advocated that, but scientists all across the country are telling me yes, there is a wealth of scientific data - pure scientific data that points to creationism and that's why I introduced this bill. I want you to note one thing gentlemen, that we are not mandating in this legislation that anything be taught. We are saying however, that if evolution is taught in our public school system, that it will be balanced by the teaching of that scientific data that points to creation. There are so many other things that you are aware that there is effort in the U. S. Congress today. This legislation will be dealt

[EXHIBIT E-A(8)]

with on the U. S. Congressional level next year, where congressmen all across America are in the process of [3] preparing legislation that would require the balanced treatment. Arkansas earlier this year was the first state to pass it on a statewide level, yet there are 26 other states that have a number of schools systems within those states that teach scientific creationism. Now I think that if we look at what is happening across America right now, we're going to say that the teaching of scientific creationism is a concept whose time has come. I have run some polls and some various newspapers have run polls on what the people think about scientific creationism. In northwest Louisiana 78% of the people in the last poll that was taken said they favored the balanceb treatment. Only about 15

[EXHIBIT E-A(8)]

or 18% objected to it, and most of those were those that were influenced by people in the scientific community. People who have been brought up and nutured on an imprinted doctrine of evolution and have never, most of them, ever taken the time to look at the basis for scientific creationism. The people want scientific creationism taught in our public schools and I trust that you gentlemen will look very favorably toward this bill. I mention one other thing, and then I will ask Dr. Edward Boudreaux to address this august panel. Gentlemen, our public school children are being molested by secular humanism. If you will take time to read the humanist manifesto I and the Humanist Manifesto II, you will find that the cardinal principle of religious humanism, secular humanism, theological

[EXHIBIT E-A(8)]

liberalism, aetheististm, the cardinal principal or the cardinal doctrine of those teachings is evolution. Therefore, many people say that the teaching of evolution fosters or enhances those religions that believe in evolution. Now the U. S. Constitution says that we are supposed to remain neutral. As far as legislative bodies are concerned, it says that government will not enact laws that teach one religion over another, and yet that is exactly what we have in our laws today because evolution is being taught to our school children and it is is a religious component of a number of religions in America today. My bill specifically prohibits the teaching of any religion. It says that you only deal with those scientific facts that point to creationism. Thank you gentlemen. Dr.

[EXHIBIT E-A(8)]

Boudreaux, you have a resume before you in your packet, you'll notice on this resume that Dr. Boudreaux is an internationally known chemist from the University of New Orleans. I'll ask him to address the body at this time.

Senator Brinkhaus: Senator Saunders has a question.

Senator Saunders: Senator, I'm looking at your legislation and you're doing an unusual thing in this legislation that I've never seen before. When you list a number of findings of fact that the Louisiana legislature is making in passing this legislation and in reading the findings of fact, I see that the sixth finding of fact, that is pertaining to legislation is that what the public school is doing abridges the United States constitution. Now if we founded the fact that what the schools

[EXHIBIT E-A(8)]

are doing is abridging the constitution, wouldn't the courts say that what we are doing is unconstitutional, wouldn't that be a proper forum for this [4] debate?

Senator Keith: Sir, you will recall the court case in California where the Superior Court in California ruled that evolution could not be taught as a rule in California. I think that because you have so little legislation in the area of scientific creationism that there has been nothing positive on which to base a court case, and I'm sure that that is the reason that it has been kept out of the courts. However, you will find in your packet there, a letter I received from Judge Braswell Dean, who is chief of the appellate court of Georgia, and Judge Dean makes it very clear in that letter and in the number of research papers that he has written

[EXHIBIT E-A(8)]

that it is grossly unconstitutional in his opinion, to teach only one model at the expense of the exclusion of the other model.

Senator Saunders: My question is, is it one of, I think separation of powers. It seems to me, I think the basic concept that courts determine what is an abridgement of the U.S. Constitution - legislatures don't make those determinations. This is putting us in the posture of making a bonding of fact that the public schools of Louisiana are abridging the separation of religion doctrine in the constitution. We're making a finding of fact that the public schools are abridging the prohibition against the establishment of religion contained in the United States Constitution. I don't think this is a proper function for a

[EXHIBIT E-A(8)]

legislature to do. Are these findings of fact necessary to your legislation?

Senator Keith: No sir, they are not necessary for legislation. I would only remind the Senator of my previous words that there are many, many, people in this country who believe that secular humanism and religious humanism are just as bona fide religions as are any other religions that exist in this country particularly those of the Judeo Christian heritage. As a result of that, since the cardinal cornerstone, the cardinal principal of religious humanism is evolution, then you have that being abridged right now as far as many people understand it.

Senator Saunders: I don't really want to sidetrack you because I know you have a lot of other things, but as a

[EXHIBIT E-A(8)]

matter of drafting legislation. I think a lot of what you have in your findings of facts are the arguments that we often make for or against normally are not embodied in legislation. Senator Bares suggested that if he does have an amendment which would take out these findings of fact which aren't law telling anybody what to do. I think they would see the reasons that you are presenting this bill. Maybe if we could consider that it could take two pages off of the bill.

Senator Brinkhaus: Have you completed the amendments?

Ms. Burkhart: Completed one. The rest are technical. [5]

Senator Brinkhaus: On page 2, delete lines 9 through 35 in their entirety, and delete page 3 in its entirety, and on page 4 delete line one

[EXHIBIT E-A(8)]

through 3 in their entirety. Apparently it's the entire section.

Senator Saunders: It would just remove section 3703, which is the findings of fact which Senator Saunders was asking about. He and I were discussing and I agree with him, there are some of the things in here I suspect that I would agree with and some that I may not, and some that I'm sure that some of the opponents of this legislation would not agree to. I think that it's just not proper language to be contained in a law should this law be passed. We would be in effect representing to the rest of the legislature, as the education committe of the Senate, that we have, somehow or other, been able to gather enough facts to conclude all these things and that these are actual facts, and I just

[EXHIBIT E-A(8)]

suggest that they be taken out of the legislation so that it will be clearly understood that these are arguments being made by you Senator Keith, and not necessarily facts as I would understand a fact would be. And not meant to hurt the intent of this legislation whatsoever, please understnad that. I would move adoption of the amendments Mr. Chairman.

Senator Brinkhaus: Senator Bares, is this your amendment or Senator Saunders?

Senator Bares: Mine.

Senator Brinkhaus: Senator Bares moves the adoption of the amendment. Is there any discussion on it. Is there any objection to the adoption of the amendment. Hearing none the amendment is adopted. Proceed Senator Keith.

[EXHIBIT E-A(8)]

Senator Keith: I now present Dr. Boudreaux from the University of New Orleans.

Senator Brinkhaus: Diane check on the time.

Ms. Burkhart: 10:25.

Senator Brinkhaus: About 10 minutes left?

Ms. Burkhart: Ten minutes left.

Senator Keith: Proceed Dr. Boudreaux.

Mr. Boudreaux: Thank you Senator. In the light of the limited amount of time, we have very little opportunity to give a very definitive definition on the body of evidence that supports creation science. I would simply refer you to the handout that you already have from a previous testimony of mine, plus an additional summary of impact publication from the institution of creation

[EXHIBIT E-A(8)]

research in San Diego, California. I will briefly just mention what the areas of the evidence involve. First in the matter of question, rather regarding matter and energy, our evolution presumes that matter presumes that somehow [6] matter somehow spontaneously derived from energy, however it is scientific experience that that is not our observation. Our observation is we observe energy as a change in matter. I would then lead you to a number of excellent publications which deal with that, question which of course I can't cite at this time. There is a question regarding the geological timetable itself. An extensive investigation of the evidence is available ... was made by Mr. John Woodenrockie who publishes in the Creation Research Society Quarterly, which is a scholarly,

[EXHIBIT E-A(8)]

scientific publication of creation scientists. He cites some 445 referencs from the scientific literature which challenges the accuracy of the geological timetable, giving more data or radiometric dating of each of the strata than what has been quoted or the so called acceptable data that is always presented. Of that data, the errors in the dating of the whole geological timetable range from 22 to 114%. With that kind of distribution its hardly very scientific to trust the documentation of the geological timetable. There has been a number of scholarly publications dealing with the fossil record and transition record and transitional forms. I would quote to you this one paper by a Dr. David Rosenbaums who is with the department of mathematics with the University of

[EXHIBIT E-A(8)]

Missouri and he deals with the probability of missings forms, transitional forms, in the fossil record. The conclusion of Dr. Rosenbaums article is that if we take even more than a so called documented number of fossils, have them catalogued, and calculate the probability of transitional forms, assuming that 50% of those were capable transitional forms. The ratio of probability of this transitional form is going to be one divided by 10 to 3001 thousand and two power. According to the (word?) distribution one divided by ten to the 217121 power, numbers like that you just as well call them zero. There is much other evidence regarding the question of the scientific data toward creationism. I quote a paper published by Dr. Salisbury in a scholarly journal

[EXHIBIT E-A(8)]

entitled "Nature" which is recognized internationally. Dr. Salisbury is not, so far as I know, is not a creation scientist, his question was to deal with the probability of the evolution of DNA with respect to deriving a gene by spontaneous evolution. He calculated that the probability on earth for that happening, from its chemical components, is one divided by 10^{435}. On ten of the twenty planets exactly like earth, the probability is one divided by 10^{415}. The point is, these are significant mathematical consequences, legitimate treatment to the issues and the significance of the mathematical consequences in this, the most reknown mathematician the world over, Emile Burrell, is in the field of statistics and probability. He has proved that if a chance happening is less than one

[EXHIBIT E-A(8)]

divided by 10^{50}, it is not in the realm of probability. Salisbury ends his paper, interestingly, with saying that special creation would solve the problem of the complexity of the gene. But such an idea has little scientific value in the sense of suggesting experiments, and I agree with that, we can't experiment with special [7] creation. We can continue with a number of other references that point to the evidence regarding evolution. I would point out that a reknowned anthropologist and anatomist from Britian has devoted his lifes work studying the early man. All the evidence that Zuckerman has published in scholarly journals reports to the fact that australopithecus points to more an antropod rather than a human, and consequently he would not condone the evidence of so called early man as

[EXHIBIT E-A(8)]

being evidence of evolution of man. There are just numerous references, I'll just mention to you in the Creation Research Society Quarterly, there has been over 700 scholarly publications that has appeared since 1964. There have been numerous scholarly publications that have appeared in other journals and books, I have several of them before me today. Other works abroad in Europe and in Great Britian, the evidence for creation science is actually overwhelming. I would like to cite to you in these closing remarks, some of the people of integrity who are involved in this area of research. Among the biological sciences, Dr. George Holly, Westmore College Dr. Duane Gish, who got his Ph.D. from Berkeley, CA., Dr. William Chingle, Professor Americus, Taylor University, Dr. William

[EXHIBIT E-A(8)]

Lambert, Professor of Genetics, Dr. Wayne Friar, Professor and Chairman of the Dept. of Biology, King's College, Arthur Constance head of the Human Engineering Laboratory in Ontario, Canada, in Geoscience, Harold G. Caughton, Professor of Geoscience of the Institute (name?) University, Professor R. H. Braughn, geophysics, Walla Walla College, and on and on it goes. We have numerous, numerous references to men of integrity, scientists who have recognition, who are doing serious scientific research in creation science. I will close with my remark in this one reference to Dr. Douglas Gain, who is a professor of Biology, he received he doctorate degree from the University of Alabama and he is one who has studied evolution and did his doctoral dissertation in evolution and Dr. Dean

[EXHIBIT E-A(8)]

criticizes evolution as science by saying "evolution is a mythology of science", it is a good fairy tale explanation for those who cannot believe anything else. He goes on to discuss as to why it is a fairy tale and not true science because it is not built on the basis of verifiable evidence. With that I will conclude my testimony.

Senator Keith: Thank you Dr. Boudreaux, and with that Mr. Chairman our testimony is concluded. I would like just to note for the record that Dr. Young and Dr. Charles Harlow, from LSU Baton Rouge, both had appeared to testify on behalf of scientific creationism, also Mrs. Kay Reibolt was here to testify. But with that we conclude our presentation. And Debra Warner.

[EXHIBIT E-A(8)]

Senator Bares: Can I ask one simple question Senator Barnes. Senator Keith as you know this is the first opportunity I have had to be exposed to the testimony for or against and I have told everyone that has asked me, that I was going to wait and listen to the evidence before I decided. I was just reading for the [8] first time because I purposefully excluded reading before I got here today so that my mind wouldn't be (inaudible). In reading it on page 5 line 18 says that it cannot be any reference or you can't discuss religious writings when you teach or you (word?) them off evolution science or creation science. That would mean that you can't even refer to the gospel, you can't refer to any religious writing.

Senator Keith: We are limited specifically to those scientific facts

[EXHIBIT E-A(8)]

that point to creation - that creation scientists believe point to creation.

Senator Bares: I am wondering about the preparation of our teachers, the preparation of our school system to handle this. Senator, this kind of legislation, are we prepared to do it, are our teachers adaquately prepared to do it? Do we have adequate textbooks, do we have adequate instruction material, background material so that our teachers can meet the mandate of the law if indeed it is passed.

Senator Keith: Senator Bares, Senator Foster Campbell has amendments he will be presenting at a later date that will clarify these very questions that you ask. Senator have those been passed out to the other members of the panel?

[EXHIBIT E-A(8)]

Senator Brinkhaus: Senator Campbell while you're passing out, if you will we'll let Senator Keith start asking questions and we'll get with the amendments. Proceed.

Senator: Senator, unlike Senator Bares I've done I think too much reading and I'm just totally confused now, since the 1980 session trying to put one cap on and read what the proponents said and the opponents, and yesterday on the floor I had someone lobbying me and when she started talking about all those bones and thousands of years, it just got so far above my head that I just can't conceive that but what I am concerned about, we have mandated, and rightfully so, curriculum in some phases since 1976 especially. I have a little problem with that but do you have a fiscal note attached with this?

[EXHIBIT E-A(8)]

Senator Keith: No sir. I had spoke with Senator Jim Holstead, the author of the bill up in Arkansas, and he said there was no fiscal note attached there. This bill will not go into effect until school year 1982, 83, and if you'll notice from those amendments that Senator Campbell will present, that it talks about the use of discretionary funds for inservice training, discretionary funds for library books, and then it would just naturally require that when the cycle for the selection for new science textbooks comes up in 1986, that it would at that time, the school systems at no additional cost would be able to choose those texts that would be in keeping with this law.

Senator: So then we're not mandating a direct cost to the local

[EXHIBIT E-A(8)]

system at this time if that's right? Thank you. [9]

Senator Brinkhaus: Senator Campbell are you ready at this time to offer your amendments?

Senator Campbell: I am going to let Senator Keith. I'm offering them for him.

Senator Keith: I think the amendments are pretty well self-explanatory. You'll notice the amendment number 3 in the one dealing with funding for inservice training materials acquisition. It just simply states the proposal as listed here as I explained to Senator Picard.

Senator: Senator you said Senate amendment number 3, you mean 4.

Ms. Burkhart: No, he meant 4, there are two sets.

[EXHIBIT E-A(8)]

Senator Keith: I have two sets of amendments. One of them deals with the inservice training and use of discretionary funds for certain materials. Let me tell you what they're are doing in Arkansas. They're simply memographing their materials for this course and Senator Jim Holstead tells me that its progressing very well up there and has been widely accepted by particularly the parents in the state of Arkansas who are very pleased that their children are now being exposed to all the truth. The other amendment # 4 simply suggest the method by which the school board can shall develop the curriculum and it would provide to each the city and parish schools boards would develop and provide for each public classroom teacher the system of curriculum guide for the presentation of

[EXHIBIT E-A(8)]

creation science. This esentially would leave it up to the school boards to determine their curriculum that they would so designate and then I have asked that in this amendment that the governor would designate seven creation scientists who shall provide research resource services and develop a curriculum guides and these would be available upon these scientists from various universities in the state would be available upon request to assist the school boards.

Senator: I'm confused, which amendments are we talking about.

Senator Keith: One set has amendment #3 which deals with, they're going to be both adopted, they will have to be reordered.

[EXHIBIT E-A(8)]

Senator Brinkhaus: Gentlemen, this simply sets out the mechanism whereby it can be accomplished.

Senator: This is an either/or situation? You want either one or both?

Senator Keith: Both are being submitted by senator Campbell... incorrect in the sense of the structuring for that purpose. The one that has the substative amendment for amendment #3 would be the first to be adopted. The one that is amendment #4 on the other set could be utilized but would need to be restructured as far as numbers. [10]

Senator Campbell: If the amendments are incorrect.

Senator Brinkhaus: The staff will straighten them out, the amendments are proper the tie ins are not technically correct.

[EXHIBIT E-A(8)]

Senator: Let me ask a question on that. On # 3 you say, any public school that elects to present any model of origin shall use existing teacher in-service training funds etc. You refer there to individual schools, not school systems. Not the entire caddo parish school system for instance. But a school within that caddo parish school system decides to do it then if is permissible, right?

Senator Keith: Right, that is correct.

Senator Keith: Senator, there have been in the history of the scientific creationism movement, there have been those science teachers who choose not to teach either. Our bill does not mandate that they teach either.

Senator Bares: I understand that and that troubles me a little bit

[EXHIBIT E-A(8)]

because you would have within a public school system within a parish school system, and indeed within the entire state, different systems of teaching science. One instructor who may not feel qualified to handle the subject of evolution and the other subject, creation science, may just not be qualified so he skips over that chapter of science. That student gets no exposure to that subject matter whatsoever. On the other hand you may have in a different school, or indeed within the same school but with a different section of science, two sections maybe or more of science within the same school, another teacher who feels adequately prepared to handle the subject but may not be or may be and he or she attempts to handle the subject and so there would be no consistencies.

[EXHIBIT E-A(8)]

What I'm pointing out, which I'm sure you've considered, I'd just like your comments.

Senator Keith: Yes I have. I think that this is going to have to be determined at the discretion of the school board.

Senator Bares: But that doesn't say that. It doesn't say that. It would not be within the discretion of the school board, it would kind of be within the discretion of the individual teacher.

Senator Keith: Maybe that wording could be changed Senator to make that any school board.

Senator Bares: I'm wondering what your comments would be if we would do the same thing with this subject as we did with the subject of sex education.

[EXHIBIT E-A(8)]

Senator Keith: Well I personally would be opposed to it.

Senator Bares: You would be opposed to giving each school board each school [11] system, the authority to do it if the school board as a board representing the entire system decided it ought to be done.

Senator Keith: That is correct.

Senator Bares: You want to leave it up to the individual school and the individual teacher?

Senator Keith: Yes.

Senator Brinkhaus: Senator Campbell has sent up amendments, have you concluded your presentation on that?

Senator Campbell: Yes.

Senator Brinkhaus: Now, Ms. Burkhart, how are we going to sort through the amendments?

[EXHIBIT E-A(8)]

Ms Burkhart: If you will take the two sets separately, if you'll adopt both and if you'll permit me to do the necessary technical changes, I will do it, that's no problem.

Senator Brinkhaus: Does it matter which order we consider them?

Ms Burkhart: It makes no difference, no.

Senator Brinkhaus: Members of the committee I'm looking for instruction, should we proceed to consider and dispose of either adopt, whatever the amendments, at this time. Senator Campbell moves, which amendments, the one with the 4th amendment or the one with the 3rd amendment. We can take either. Ms. Burkhart says there is no conflict. Simply tell us which one would you like. The one with the third amendment? Allright. Which is the

[EXHIBIT E-A(8)]

substative one being amendment number 3 with reference to the funding to in-service training and material acquisitions. There are a number of technical corrections that will have to be made in the spelling I think. Senator Campbell moves for the adoption of the amendments. Is there any opposition or objection to these. hearing none, the amendments are adopted. Senator Campbell, would you like to proceed with the next one, with the amendment set with four amendments, the substative one being amendment #4, dealing with curriculum development. Senator Campbell has moved adoption of the amendments 1, 2, 3, and 4, in that set. Is there any objection to it?

Senator: I'm wondering why is it necessary to have seven creation scientists?

[EXHIBIT E-A(8)]

Senator Brinkhaus: Would you like to have eleven rather than seven? Is there any objection to the amendments set with 4 amendments? Hearing none the amendments are adopted. Does that conclude it for the amendments? Senator Saunders has questions for Senator Keith. [12]

Senator Saunders: We often, in trying not to mandate curriculums to teachers, have been careless, in that we really don't know a lot of things about school curriculums and it's better done by educators. They tell us that, we don't listen. But, I see some of the problems that they might bring up to us if this legislation is passed. I want you to tell me whether it will be valid. I'm looking at a definition that you used as scientific evidence for explanation of the earth's geology for

[EXHIBIT E-A(8)]

catastrophism including the occurance of a world wide flood. Now I can hear them telling me that explanation of the earth's geology is a subject that should be taught in basic science or in geology rather than in biology and that we would be shuffling the curriculums and shuffling the subjects and making them problems. Do you think that maybe we could improve on this in that area?

Senator Keith: Senator, I think that if you'll look further in the bill, that if you'll look on page 2, rather on page 1 at the bottom of the page, wait, I've got the wrong bill here. Look on page 5 Senator, line 25, it says this Chapter does not require or pemit instruction in any religious doctrine. This chapter does not require any instruction, it simply requires instruction in both scientific models.

[EXHIBIT E-A(8)]

Now, this chapter does not require each individual textbook or library book to give balanced treatment, in other words, the biology book does not have to give balanced treatment. Somewhere in the course of scientific instruction regarding origins, our bill would simply say that some method would be worked out by the school boards to provide balanced instruction, and the mechanics of that would be left to their discretion. I'm not saying that a biology textbook has to include information about scientific creationism. I'm saying that if the biology textbook deals with a chapter on evolution, that at some point those same students would receive the equal amount of instruction in scientific creationism.

Senator Saunders: The problem I think they would tell you that would

[EXHIBIT E-A(8)]

create Senator, is that many schools I'm sure --

Senator Saunders: I know the colleges, but I guess if they have enough science, they will require maybe one science, you can take either biology or geology, that may be. I don't know if it's done that way in high school. If you have a choice of biology and geology, and they're teaching explanations of the earth's geology by catastrophism in the events of a world wide flood in the geology course, but I don't take geology I just take biology, you see.

Senator Keith: I understand the point that you're making Senator, and it would be left to the discretion of the school board to determine just how they would go about balancing this treatment.

[EXHIBIT E-A(8)]

Senator Saunders: The same number A. Sudden creation of the universe. The subject of the creation of the universe were studied in basic science and was not studied in biology. And in college I think [13] you studied astronomy not in biology. Biology begins after the creation of the universe. There again I think we will be making curriculum problems by asking teachers to teach astronomy or basic science in a biology course when you have two different teachers in two different courses.

Senator Keith: No Senator, the wording of the bill does not require that. The wording of the bill says that if the teacher wants to go ahead and teach basic biology or basic astronomy or basic whatever, geology or paleontology or whatever, that they go

[EXHIBIT E-A(8)]

ahead and teach it just as they always have taught it, but the balanced treatment aspect of this bill would require that these people, that these school children receive, through some mechanism worked out by the school board, and equal amount of time in the discipline of scientific creationism. I don't personally see your problem Senator.

Senator Saunders: You have no definition of the word of the term "balanced treatment". Do you have a definition in this bill.

Senator Keith: Yes sir.

Senator Saunders: Where is it Senator?

Senator Keith: Senator Saunders, you're correct. We do not have a definition per se, but I think that the

[EXHIBIT E-A(8)]

total context of the bill would give the definition you request.

Senator Saunders: It doesn't give it to me Senator. I'll tell you what part of my problem is. I think you have a large body of literature that maybe some teachers aren't familiar with, and maybe not that large a body. I'm wondering if by balance you mean that you have the same amount of time of instruction on one subject as the other, or whether you mean that each subject has to be fairly handled. If a teacher knew more about sudden creation of the universe, energy and life from nothing, then I feel he could teach that in a very few minutes. If he knew no more about explanations of the earth's geology by catastrophism including the occurance of world wide flood, that's about as much as I know it right there.

[EXHIBIT E-A(8)]

Some people believe that. You could teach a, b, c, d, e, and f probably in twenty minutes if you don't know a lot about it. That's all I know about it, and I'm the teacher. So the teacher doesn't know from this bill whether balanced treatment is what he thinks to cover a, b, c, d, e, and f, as opposed to what he thinks it takes to cover the other subject fairly inadequately, or whether it means 24 hours of class instructiuon on each one. Between those two alternatives, do you have a view as to what the general import of your bill is?

Senator Keith: Well for one thing there is a wealth of scientific materials that are available to any person who will pursue the discipline of scientific creationsim. All of these materials can be made available. I have several textbooks that I have read on the [14] subject, and I assure you it takes a lot longer than 20 minutes. I read two books last sunday afternoon that dealt with all of the aspects of scientific creationism and these points that are enumerated here are a part of that movement throughout this nation among scientific creationism those things that they have said, point to creationism from a scientific standpoint. I think that once the teachers begin to see all that information that's available to them that the problem that you speculate concerning them will certainly solve itself.

Senator Saunders: Well Senator, will it be I'm trying to see what you want in your bill. Is it your answer

[EXHIBIT E-A(8)]

that it would be up to the teacher to determine what was balanced treatment?

Senator Keith: No sir it would be up to the school boards to determine what was balanced treatment according to Senator Campbell's amendment.

Senator Saunders: I don't see in Senator Campbell's amendment a definition of the word balance and you indicated that you felt that it came from the bill taken as a whole, and since you wrote it I'm asking you what it tells you as a whole.

Senator Keith: I think the terminology of equal time appears somewhere in this bill. I read the bill last night again. I believe that it's not only, if certainly not written, then balanced treatment is certainly inferred.

[EXHIBIT E-A(8)]

Senator Saunders: Balanced treatment is in amendment #3 in the

Ms Burkhart: Also page 5, lines 4 through 14.

Senator Keith: And Senator it just appears that that's self-explanatory. When you talk about balancing something you give it equal time.

Senator Saunders: That doesn't imply the term balance?

Senator Keith: No, it does not.

Ms. Burkhart: No, it does relate to it.

Senator Saunders: I would like to offer some amendments.

Senator Brinkhaus: Senator Saunders offers amendments. You will now explain them.

Senator Saunders: What the amendments do is that we don't define balance treatment but in line with what

[EXHIBIT E-A(8)]

I consider is in the bill is that it's kind of up to the school board and teachers anyway. In line with the view that is often expressed in this committee that education should be done by educators, and in light with what I think Senator Keith wants to do, which is to make available to those school boards and teachers who want to teach scientific creationism the ability to do so, the amendments are make [15] permissive, rather than mandatory the provisions of this legislation.

Senator Brinkhaus: Does this end the discussion of the amendments? Is any objection to the amendments?

Senator Campbell: I object.

Senator Brinkhaus: Senator Campbell objects to the amendments. Secretary will you call the roll.

[EXHIBIT E-A(8)]

Senator McLeod: Is this permissively proposed.

Senator Campbell: With whom.

Senator Brinkhaus: Senator Saunders' question is with whom is it permissive.

Senator Campbell: It would be the school board or whoever makes curriculums for the school which I take to be the -- you're teaching biology and you would be authorized by legislation to teach scientific creationism in your biology class. So it would be hierachy that reigns in that school. The teacher would be able to do it, but if the teacher doesn't want to I guess the school board could tell him to.

Senator Brinkhaus: Senator Keith to respond to Senator Campbell.

Senator Keith: Senator Brinkhaus I see quite a correlation in scientific

[EXHIBIT E-A(8)]

creationism to the civil rights movement of a decade or two decades ago. What we had there was that people know that it was right to have equal rights and civil rights but many of the people were not willing to accept it. What you have here today is the fact that many, many science teachers have never been trained in any other area than in evolution, and as a result, it is almost a religion with them. It is a very strong religion with them, and as a result, if we take the requirement out of here that we provide balance treatment, where do you think that this is going to wind up? I would object strongly to this amendment by Senator Saunders. I think it would very effectively cut this bill and make it absolutely worthless.

Senator Saunders: I really don't want to do that. I want to

[EXHIBIT E-A(8)]

affirmitively say in this bill that school boards and school teachers can teach scientific creationism and give it a balance treatment. but I don't want to tell the school board in Evangeline or Avoylles Parish, that they have to do that, or those teachers that they have to do that. We've done an awful lot in this education committee that has caused an awful lot of disgruntlement, complaints, of demoralization, a lot of feeling that they have been abandoned and made whipping boys, and that their problems aren't known by the school teachers of this state. The one thing that I hear from the school teachers of this state more than anything else is, have a little consideration for the educational process. Don't keep putting more [16] requirements, more mandates, more demands on us. Let us work out the

[EXHIBIT E-A(8)]

PIPS programs, the PPC and the other mandates that you have put on us for many, many years so that we can run our school system, so that we can educated our children. But we're always two years ahead of them. Every year we get here we have more requirements, more mandates, more demands, more things schools have to do, more things school teachers have to do, school principals, school superintendents have to do. I'm saying give them some home rule. If a parish wants to do it, if they're able to do it, if the teachers are geared up for it, let's do it. But if some teachers aren't geared up for it, aren't ready, can't handle it, let's have some concern. I know what the school teachers tell me. No more demands please. No more mandates please. Let us teach school. We went to learn how

[EXHIBIT E-A(8)]

to do it. I think I'm telling you what most school teachers say. They have been mandated. They have been coerced. They have been told that they have to go back to school to make tip points. They have to get approval from the PPC for whatever they did wrong or didn't do wrong, or they have more people governing education in the state of Louisiana, than I can count. We have BESE board, we have superintendents of education, we have other boards, we have the legislature, we have school boards, we have principals. They don't know to whom they answer. They are getting orders from everywhere. I'm trying to have a little mercy on those people and trying to let them work something in and at the same time maybe give you a shot with your principle, because I think a lot of people do want to teach

[EXHIBIT E-A(8)]

scientific creationism. I'm saying let them do it if they can work it out in a system without disrupting the system. That's what I'm saying Senator, I'm not against civil rights, I'm not against religion I'm not against all these good things. But I do serve on the education committee and I do know the problems of education and don't want to commit to make any more problems for education. That's why I have the amendments, not because I'm against civil rights or the next great wave of the future.

Senator Keith: Senator I guess it just depends on whose ox is getting bored. Last year we passed a bill that mandated that they teach the other side of the madelion in our public shcools. Sometime ago we elected to tell the school systems of this state that they would teach a free enterprise course.

[EXHIBIT E-A(8)]

and I guess it just depends on where a person is coming from, what they're going to be interested in asking the schools teachers to do. But I have a statement in response to what you said Senator. I admire you very much, and I know that you spoke from a conscience that is clear and a conscience that is serious. Let me tell you this, the public -- does the public have any input any longer in the school system. Is it public education any longer or is it educators education? I think my personal feeling is that the public ought to have some input into the educational system, and let me tell you this. In my district 78% of the people have gone on record as saying they are in favor of teaching both models in our public schools. I believe [17] that public schools ought to be at the will

[EXHIBIT E-A(8)]

of the public. Now you may have this philosophy that says that we ought to just forget about public schools, let the educators have it. I want to tell you Senator, I think that that's a dangerous approach to education in this state. If educators are not responsive to the will of the public then our education will do nothing but continue to go down as it has in the last decade.

Senator Brinkhaus: Gentlemen, we have passed the time for the commencement of the session which is scheduled for today at 11:00. What is the time on your time piece Ms. Burkhart.

Ms. Burkhart: 11:04.

Senator Brinkhaus: We do not have the amendment sent by Saunders before us. Proceed Senator Picard.

[EXHIBIT E-A(8)]

Senator Picard: Part of information first. Will a substitute motion be in order to defer action on these amendments. Let me just say that it's 11:00. I have some questions, other members of the committee have expressed that they have some questions and I would like to, not only defer action on these amendments, but I would like to defer action on this bill today and we can come back next week if we need additional time.

Senator Brinkhaus: The question was for a point of information on a point of order. You asked if we could defer action on the amendments?

Senator Picard: I moved that a substitute motion, I moved that we defer action on the amendments.

Senator Brinkhaus: Is that a proper motion before us?

[EXHIBIT E-A(8)]

Ms. Burkhart: Yes it is.

Senator Saudners: I will withdraw them.

Senator Brinkhaus: The amendments then are withdrawn by Senator Saunders.

Senator Picard: The next motion then, Mr. Chairman, is that I move that we defer action on the bill until next week.

Senator Brinkhaus: There is objection to the motion. Would you call the roll madame secretary?

Roll Call

Senator Saunders	Yes
Senator Campbell	No
Senator Bares	Yes
Senator McLeod	Yes
Senator Picard	Yes
Senator Randolph	Yes [18]

[EXHIBIT E-A(8)]

Ms. Amphion: 5 yeas and 1 nay to defer action.

Senator Brinkhaus: The motion carries.

Senator Picard: Mr. Chairman in all fairness to both of the proponents and opponents I wish you would set a specified time and date in the future so that we can allow these people to continue their presentation.

Senator Brinkhaus: What has occurred is the proponents have spent or utilized approximately 25 minutes in direct presentation, the remainder of the time has been utilized with questions and the amendments offered at the request of the proponents. I'm not quite certain how to handle it. I would suggest that we expand the time for the opposition to 35 minutes with just a ballpark figure of 10 minutes having

[EXHIBIT E-A(8)]

been used by the proponents of the measure in connection with their amendments and the remainder of the time having been consumed by the committee. If it would go from say 25 to 35 minutes in that sense we would be allowing, if we have a total time allocation, some leeway for committee to ask questions of the opponents and not take their direct opposition time.

Senator Campbell: Mr. Chairman, would it be any way that we might come back after we adjourn and finish this up?

Senator Brinkhaus: You mean today?

Senator Campbell: Yes sir.

Senator Brinkhaus: Surely there is always a way if it's the desire or wishes of the committee we can reschedule or continue this meeting until. I'm not going to do it, the

[EXHIBIT E-A(8)]

committee is going to make the decision if we should recess the committee or come back after the session--We have just been advised that the governor has asked the Senate Committee on Education to meet with him at 2:00 p.m. this afternoon. Under the circumstances it may actually be better because I would imagine after the session today, that the governor may probably have trouble getting us to meet with him because most of us had intended to leave for parts other than here. But I have no problem, I'll meet after the session is 2:00. We have first things first, and the legislative action come before anything else in my estimation. But if that's the desire of the committee. Senator Campbell.

Senator Campbell: Let me ask a question. I'm on this committee to work

[EXHIBIT E-A(8)]

with you all and not work against you. If some of you have problems coming back here we'll just take it next week. Senator Randolph said he had an engagement already, he came this morning. I would like to get it over with however we're going to this today. It is a very controversal bill.

Senator Brinkhaus: Let me make a suggestion too in connection to that. That rather than start at the first order, as we did out of the [19] kindness of Senator Keith, he agreed to let us move on with the PIPS package first, then that took time that might have otherwise been available for us to hear the measure. I set out to say ten and ten a total of 20 minutes hoping that we could confine the discussion to the debate because over 20 hours had been spent with it by subcommittees and

[EXHIBIT E-A(8)]

others of this legislature, the House and Senate and we have gone beyond this, which is satisfactory with me. However, I feel that we should have a time to start and hopefully end it. I assume that next week we will commence our session at eleven again. Depends how it works out today and we may be causing a problem with it. However, that remains to be seen, and we will say have the meeting commence at nine as per usual, or earlier, and then have special order at ten a.m., allowing an hour to finish it off. As I said again with the committee's sanction or approval or whatever, the agreement with the opponents and proponents, as least in an informal manner, input from them, approximately 35 minutes to be utilized by the opponents and their direct presentation which would leave 25

[EXHIBIT E-A(8)]

minutes for questions and amendments by the committee members and maybe a 5 or 10 minute wrap up by the proponents of the amendments. I'm just trying to be fair with it, because this kind of issue can be debated almost unendingly. But we must move on to other things, and I don't want to cut anyone off not as anyone in this committee and the Senate.

Senator: I move that we adjourn and do what you said to do.

Senator Brinkhaus: Allright, I'll follow the instructions, the motion was made to adjourn. The Senate is in session and the Committee will meet next Thursday, at whatever the appointed time is as determined by the President of the Senate next week.

[CERTIFICATION OMITTED]

[EXHIBIT E-A(9)]

[1] SENATE COMMITTEE ON EDUCATION

May 28, 1981

MINUTES

Tape #1 - Side 2

Ms. Burkhart: Gentlemen, last week there were amendments proposed to the bill and adopted by the committee, at that time, prior to the bill being deferred until today. In your folder I have included an original copy of the bill which is currently still the status of the bill, but I have also included a mocked up copy of the bill that is the bill as it stands including the amendments adopted by this committee last week and a copy of those amendments.

[EXHIBIT E-A(9)]

Senator Brinkhaus: The information copy is not technically a proper measure to deal with in the sense of making or preparing the amendments.

Ms. Burkhart: No sir, it is not.

Senator Brinkhaus: It is simply for us to read as one flowing continuous measure with the amendments of last week. And the actual technical amendments are there. Someone was to prepare them. While the opponents are getting ready we'll continue with, at least the committee discussion or whatever needs to be done from a technical viewpoint.

Senator Byres: Before we get into the opponents discussion that maybe we set some committee guidelines so that we don't get into the same log jam that we got into last week. Rather than beginning offering amendments and a lot

[EXHIBIT E-A(9)]

of committee debate, could we just let the opponents make their statements without offering amendments along the way, and then offer whatever amendments will be necessary at the end.

Senator Brinkhaus: I would suggest that and I don't know if the opponents have any suggested amendments or not. If they do then I would suggest that they present they at the end too. I agree with you Senator Bares, I think that's the best way to do it. We'll allow a freeflow of discussion by the opponents, we'll let them proceed with their presentation and at the appointed time that they have concluded then the committees will - that way they'll have full time. But we are going to allow the proponents an opportunity to rebut.

Ms. Burkhart: Do you want me to keep time on this?

[EXHIBIT E-A(9)]

Senator Brinkhaus: Yes, we would want to keep time on it. [2]

Senator Brinkhaus: Let me run through the list of those who have sent up cards to speak in opposition of the measure. I'm assuming that you have given them to me in the order that you would like to hear them. George Kent, La. Academy of Sciences; James Whealand, New Orleans; Raid Branton, Lafayett; Rev. James Stovall, La. Interchurch Conference; Dr. Nichols, American Association of University President; Dr. Paul Desinhind, of New Orleans; Dr. Miles Richardson, American Anthropological Association; Dr. Estes, New Orleans; Dr. Elizabeth Washington New Orleans; J. Edwards, Department of Anthropology LSU; Rev. J. Philip Lewman of the University of United Methodist Church in Baton Rouge; Senator Nelson.

[EXHIBIT E-A(9)]

Senator Brinkhaus: Would you like the cards at your disposal. We'll proceed, Senator Nelson do you want to proceed (inaudible).

Mr. George Kent: From the Louisiana Academy of Sciences. It will take me ten minutes for my presentation sir. Chairman and Gentlemen of the committee, in order to understand the basic point of disagreement between proponents and opponents of this bill, it is essential that you know the difference between science and religion. Science is the study of natural objects and natural events. The scientific method is that of observing natural phenomenon using senses, hearing, smelling, tasting, feeling, usually assisted with simple or sophisticated instruments. Science is also the body of verifiable data that have been

[EXHIBIT E-A(9)]

collected by this measure. From the data, the scientist hopes ultimately to say, I conclude. Religion is more difficult to define. Not because each of us does not know what it is, but because it has different meanings for different people. However, the source of religious beliefs is always the same. It comes by revelation, which has also been described as intuition or inspiration, or as it says in the Old Testament, a still small voice speaking to the mind of mankind. Whereas the scientist says, I conclude, the theologian says, I believe. This gentlemen characterizes the basic difference between these two disciplines. Science seeks an understanding of natural phenomenon, religion seeks ultimate truth which is beyond the sphere of science. The two disciplines

[EXHIBIT E-A(9)]

occupy different spheres of human awareness. Whenever, and wherever the proposed act refers to evolution science, it is really referring to two different scientific ideas. 1) theories concerning the natural events that took place as the first life was being created from non-living matter. 2) an additional theory, the theory of organic evolution which says only that after life appeared living forms slowly changed as the environment changed with time. The theories of origins of which there are more than one, neither affirm or deny the role of a creator in the process of creation. And the theory of organic evolution neither affirms or denies the existence of a supreme intelligence that might guide the changes. Science cannot test gentlemen, supernatural concepts and must remain

[EXHIBIT E-A(9)]

mute on this topic. Unlike the scientific theory that the sun is [3] the center of our universe, which at one time people were thrown in jail for saying, the theory of organic evolution cannot be tested by repeating an experiment. For this reason it is and it will remain a scientific theory notwithstanding the overwhelming data that corroborates it. It is the responsibility of science teachers to make this clear to the students. With reference to the proposed act, the two terms in the title, creation science, and evolution science, are meaningless. Despite attempts of the authors to the act to define them there is no such science as creation science and no such discipline as evolution science. These terms were invented by a crusading organization with headquarters in

[EXHIBIT E-A(9)]

California who call themselves anti-evolutionists and who profit directly or indirectly from the sale of creation-science literature, textbooks and teachers guidebooks. They have been the driving force behind so called balanced treatment bills that have appearead as almost identical pieces of proposed legislation from New York to California. The term creation-science is a substitute for special creation, which whether true or not is not science, but religious doctrine. The purposes of the act, I have time to speak of only three. 1) To protect academic freedom by providing student choice. Gentlemen, academic freedom has nothing to do with student choice. It is not freedom to be taught or not to be taught, it is freedom to teach or not to teach. The academic freedom of soundly trained

[EXHIBIT E-A(9)]

professional teachers of natural science will not be protected by this act. It would be abridged by requiring them to teach that which they may not believe and which whether they believe it or not they know is an inappropriate subject matter for a natural science course. 2) Intent of the act. To guarantee freedom of speech and belief. No legislative act is required to guarantee freedom of belief. no nation no matter how repressive. can take away freedom to believe. This statement has no effect as legislation. Freedom of speech is guaranteed by the U.S. Constitution. It would be futile for any state to attempt to specify every single instance in which this right may be exercised. As for example, guaranteeing the right to be taught religion in the public school, or the right of an atheist to present

[EXHIBIT E-A(9)]

his views at a worship service. The extenct to which freedom of speech may be exercised is now a matter for the courts. 3) To prohibit religious instruction concerning origins, this act gentlemen will not prohibit religious instruction. On the contrary, in spite of denials, it has the effect of mandating religious instruction by requiring the teaching of the book of Genesis under the guise of science. Now proponents of this act will tell you that some scientists claim scientific evidence (word?). Let me give you what is probably their strongest bit of so called scientific evidence. Here it is, and I'm quoting now from a pamphlet entitled "Evolution or Creation by God Which", and I'm quoting, "all types of reptiles appear suddenly and it is impossible to link them to any

[EXHIBIT E-A(9)]

terrestrial ancestors. We have put the word suddenly between quotation marks so as to make the column stand out. We have no trace of intermediaries, that is no [4] no trace of ancestors". Now let's see how scientific this is. Here is, whether it sounds like it or not, listen carefully, an exactly parallel situation. A ficticious family, we'll call them the Fontenots, want to trace their family roots. They visit old cemetaries, locate the graves of their more recent relatives, and their search later leads them to Nova Scotia. There in Nova Scotia they find two weather-beaten tombstones bearing the family name and dated 1623 and 1635. They also learn that the people buried there came from old Normady. So they go to old Normady but there have been many changes in the countryside and they find no

[EXHIBIT E-A(9)]

evidence of the existence of that family prior to the 16th century. Their conclusion, the Fontenot family was created suddenly somewhere in Normady in the 16th century. This is science? Read this and other so called data with your intellect and not with your emotions, and you will see fellas it is not science. For this reason, a dozen scientific societies, to which hundreds of deeply religious Louisiana scientists, including myself, have adopted resolutions supposing balanced treatment bills. Some of these societies are listed here, and I'm not going to read them to you, I'll give you the sheet and you can see them. Finally, gentlemen, and this is the end of what I have to say, here is a frightening question. What will happen when (word?) of other faiths, foreign to

[EXHIBIT E-A(9)]

Judeo Christianity demand the rights to have their theory of Christianity taught at a public school. Now no court can deny this right without striking this act down because, and I quote from the bill, this bill "insures neutrality toward diverse religious convictions of students. Gentlemen, the act appears to have been written hastily by a person or persons lacking in understanding for what science is, confused concerning the meaning of dictionary words, and willing to invent new terms, or redefine established terms to achieve a goal. Even if this act, the evaluation, my evaluation of this act as written, is incorrect, the act is selfcontradictory, it is semantically confused, it is based on a false premise that special creation is science, and the act gentlemen, should be mercifully defeated.

[EXHIBIT E-A(9)]

Senator Brinkhaus: Mr. Kent, will you yield to questions. We have Senator McLeod and Senator Campbell asking if they may ask questions. Senator McLeod.

Senator McLeod: I just wanted to ask you if you knew that part of the problem that these people rise and offer this bill for is that some of your folks are teaching this as a fact, as opposed to a theory.

Mr. Kent: This is a theory. It is clearly a theory. The data are overwhelming. But it is a theory and that should be made clear.

Senator McLeod: Well maybe that will one of the benefits of this public discussion.

Senator Campbell: Mr. Kent is that correct? Who do you represent? [5]

Mr. Kent: The Louisiana Academy of Science.

[EXHIBIT E-A(9)]

Senator Campbell: Tell me about those people. Who are they.

Mr. Kent: Well it is an organization that has been in effect for about the early part of this century. Members are mostly academicians from the various universities, and members of industry. They represent all fields of the natural and physical sciences and that also includes psychology groups and social science groups. They are all Louisianians, it is affiliated with the American Association for the Advancement of Sciences.

Senator Campbell: Are you a professor.

Mr. Kent: I am a retired professor of Zoology at LSU emeritus alumni professor.

Senator Brinkhaus: Thank you professor. Dr. Rossman.

[EXHIBIT E-A(9)]

Dr. Rossman: Gentlemen, my name is Douglas Rossman. I hold a Ph.D. from the University of Florida, currently a professor of zoology at LSU where I introduced and still teach the course in animal evolution. Equally pertinent is the fact that I am a professing Christian and an acting deacon in the Presbyterian Church here in Baton Rouge. The proponents of SB 86 seemed determined to have their cake and eat it too. On the one hand they want you to believe that evolution and creationism are competing scientific models. On the other hand, apparently realizing that they may not be able to convince you that creationism is a legitimate scientific discipline, they are also claiming that evolution is a religious belief and thus it is only fair that creationism be taught too. The first

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contention is the only one that deserves your consideration in as much as the second contention, if true, would represent a violation of the principle of separation of church and state and thus render the resolution unconstitutional. You can decide for yourselves whether or not creationism is a religious belief. I wish to briefly address the notion tht evolution can so be considered. The bill claims that evolution is a religious belief of the religions referred to as theological liberalism, humanism, nontheistic religions and atheisms. I confess that I am not certain what kind of religion theological liberalism is supposed to be, but if we accept the dictionary definition of religion as "belief in a divine or superhuman power or powers, to be obeyed and worshiped as the creator

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and ruler of the universe". then humanism. nontheistic religions. and atheisms do not qualify as religions. and whether their followers accept the hosenary theory or not is irrelevant. The mainline Christian denominations. which I suspect is what is meant by theological liberalism. do not find evolution to be a threat to their religious beliefs. and they certainly do not include it as a part of their theology. At the hearing last Thursday. Senator Keith declared that evolution had become a religion to many scientists. That statement is comparable to saying that [6] money. sports. or any other aspect of like on which a person has focused most of his attention. has become his religion. It certainly does not fit the generally held. and I suspect the legal definition

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of what constitutes religion. Thus the claim that evolution is a form of religious doctrine, is a red herring of the crudest sort, and should be totally rejected in your consideration of this bill.

Senator Brinkhaus: Does that conclude your remarks?

Mr.: Yes.

Senator Brinkhaus: Are there any questions? Thank you sir. James Whealand. Identify yourself and proceed please.

Mr. J. Whealand: My name is James Whealand. I am a resident of Orleans parish. I taught high school biology for 10 years. I'm concerned about this bill for two reasons. First, I view the legislation as an attempt by government to dictate science. Two, historical lessons on the problems which can result

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from this type of activity, was seen in the cases of Galileo in the inquisition, and Lysenko supported by Stalin setting back Russian genetics 50 years. My second reason is the cost. Last week the cost for this bill was glossed over in an amendment which said discretionary funds would be used to cover all costs. Let's look into this matter in more detail. I have some figures on these pink sheets. There are three courses. Junior high life science, and earth science. High school biology which will be significantly affected by this program, using Louisiana almanac figures this is approximately 210,000 public school children, and using a ratio 150 students per teacher the maximum student-teacher ratio, we have over 1400 science teachers for these students. If we consider one expense for textbooks at

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a cost of ten dollars each, you've spent over two million dollars. Another problem with textbooks is that none of the currently acceptable textbooks covers creation and the creation society text does not give fair treatment to evolution. So in all probabilities some supplement will have to be developed and printed for each of the courses. How much will that cost? All 1400 science teachers will have to be retrained. How many days will they be called from their classes for this. Who will pay for the substitute teacher? How many books will have to be added to each school library. Library books cost ten dollars and you add ten books, you just spent $150,000 more. I'm not sure how to estimate some of the other expenses, but the Iowa education department predicted that it would cost that state $6 million dollars

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to implement such a program. Where will the funds come from? How can the school boards already hard pressed for funds provide the money? Which programs should they cut to produce this money? I see this bill as bad for science and an unnecessary burden for underfunded school systems. If you must go ahead with this bill, it should be amended to include the full cost of implementing it. Thank you. [7]

Senator Brinkhaus: Thank you sir. Are there any other questions? The next speaker is Reverend Ray Branton of Lafayette and after brother Branton is brother Stovall.

Reverend Branton: Members of the committee my name is Ray Branton, I'm pastor of Asbury United Methodist Church in Layfayette. I'm here to represent myself in opposition to this bill. I

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speak as one who believes in God as creator, but also believe that this bill creates more problems for religion and science than it solves. Let me explain. Science is (word?) has been (word?) out in the natural world. It makes observations for its theories or predictions about the past or future based on these observations, and then the truth of these predictions is tested by further observations in the natural world to determine the extent to which the prediction is valid in a variety of circumstances. The more accurate the test shows the prediction, the more it's considered scientifically true. Religion by contrast, actually arises from the realm of the spirit. For God's spirit touches the human spirit to call for trusting faith. There are at least four tests of religious truths. They

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are scriptures, tradition, reason, and experience. That is, it is compatible with the original religious experience of the group and the record of that experience in scripture. Does it mesh with the tradition of the group, which is its own interpretation of scripture. Can it be explained in a reasonable and coherent way, and does it parallel with the religous experience of the group. The more these tests are met the more religiously true an acclamation is said to be. Now obviously, these tests are very different from the truth tests of science. That is of course possible and desirable for people who learn from both these dimensions and to try to put it all together in their own mind as the creation scientists have done. However, history shows that whenever we go beyond such an informal synthesis by

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individuals, and try to put religion and science together in a formal way, we create more problems than we solve. Let me offer three illustrations. First, a case where religion tried to use its own truth test to judge science. In 1610 Galileo announced his support for the Copernican theory that the world revolves around the sun. Pope Pius V found statements in the Bible that suggested the earth stood still while the sun moved which he used to condem Galileo as a heretic and to force him to recant. The church could have been spared embarrassment if the Pope had recognized that Galileo's work could not be judged by the truth test of religion. Second, a case where science proves claims that can be verified only by the true test of religion. Charles Darwin, popularizer of the theory of evolution,

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found evidence of changes in various animal and plant species over a period of centuries. He predicted this process extended back in times to events which he had no evidence apparently even to the mystery of the ultimate origin of life. A truly scientific title for his book might have been "Observations of Changes in Species and Theories Based on those Observations", instead he [8] called his book "The Origin of Species". He could have saved science embarrassment and wasted energy if he had recognized that ultimate origins of life shrouded in mystery can be apprehended only by religion, and that statements by the ultimate can be verified only by the truth test of religion. Now, Senator Keith is proposing a bill which appears to require teachers trained in the truth

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test of science to present inferences which can only be tested by the truth test of religion. Ideas are to be taught such as the laws of probability, creation out of nothing in a worldwide flood, in order to imply that the world is a creation called into being by a creator. Now while I, of course, believe in God as creator, I see several difficulties with trying to teach this in a science classroom. First, because the intent of this bill is to present information in a science classroom in order to infer the world is a creation brought into being by a creator, I believe it in fact proposes the teaching of religion under state sponsorship. Since such religious teaching will tend to reflect the religion of the authors of the textbooks the bill appears to allow the teaching of a particular form

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of creation faith. Secondly, ideas like the laws of probability, origination out of nothing and a worldwide flood, tend to imply the world is a creation made by a creator, only to those who already so believe. There are many instances where persons not already convinced to look at such data as this and are not persuaded to believe that the world is a creation. To tell a searching student that the reality of God the creator can be effectively demonstrated by the truth test of science alone may well further alienate such students from religion rather than winning. It is better to tell them the truth, which is that faith in God must begin in religious experience where God's spirit touches the human spirit to call for faith. Third, I believe this bill, if passed, will produce poor science education

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because of the mixing of material subject to very different tests of truth. Like Senator Keith, I would challenge those who would turn science into a religion. But I believe this bill offers a solution that is worse than the original problem.

Senator Brinkhaus: Does that conclude your original remarks? Thank you. Are there any questions from the members of the committee? The next person is brother James Stovall of Louisiana Interchurch Conference. Proceed Sir.

Mr. Stovall: Mr Chairman, members of the committee, I'm not here so much to oppose this legislation as to say that we of the churches are really not pushing this legislation and have not had a part in its sponsorship. I do feel that the legislation presents

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certain very real dangers. It presents from people like Senator Keith and myself who believe in creation and who want all these boys and girls and young people who understand they are God's creation. The danger it has a tendency to tie our belief in creation to a method of creation, namely evolution. It places belief in evolution over against belief in creation and basically, we of the church feel that the two are [9] not necessarily exclusive. Most of the bishops of the Roman church, most of the bishops of all the various denominations, most of the heads of the different denominations in the state are members of my Board of Directors. Last week I had a conversation with Archbishop Cannon concerning this legislation and he said we of the Catholic church do not really

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believe in this type of legislation. We believe that God has created us but whether God did it in a short time or along time is not necessarily relevant. He said that most importantly, our belief in creation does not stand or fall on whether or not evolution is true of false. And so I see this as a danger. It places science against religion. As the first speaker said, science is an objective study of nature, religion has to basically do with the meaning of life. A scientist in the classroom should not overstep boundaries of the objective study of nature and become a philosopher concerning the meaning of life. Likewise, persons having religious convictions should not overstep boundaries in the legislature or the political process or try in some way to set forth the teaching of the

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scripture as a rival of science. We of the church must not try to dictate by law the conclusions of scientific research and thus create a conflict between science and religion. We believe that there is a place for both and that this should be maintained. The third thing I would say is that the significance of our believing in creation is not related to the method of creation. I mean Senator by this, that the main thrust of the teaching of creation comes to us from holy scripture from our Judeo Christian faith, is that the meaning of life is found in our relationship to God and that life is fulfilled in living a life of obedience to the will of God. The deepest meaning of life is found in a personal relationship with the Lord of history. But you see what this points to is not

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something that happened six thousand years ago, or millions of years ago, but the thrust of the scripture is and the teaching of creation by religious groups is that this gives meaning to our present existence and what we're trying to prove is not some kind of past theory, but rather what we're trying to say is that at this present moment, we are children of God, we belong to him and thus our attention should be centered not on what happened six thousand years ago or ten billion years ago, whatever it might be, but instead our attention should be centered upon the future and ways in which we can live and work together now so that every young person, every child might realize his kinship to God and thus we might (inaudible) one another regardless of race, creed or denomination or whatever.

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and move together toward a better future. I think as we do that, we come Senator Keith to help everybody believe in the dignity of human life and that we are all children of God.

Senator Brinkhaus: ...I advise you that we have used 30 minutes of your 35 minute allocation and so bring in your clean up hitter.

Mr: Well Mr. Chairman we'll just go on down the list, we'll just go [10] on down the list. We'll ask the next speaker to spend about two minutes and then we'll just ask everybody else just stand in the room and make a short statement.

Dr. P. Bisenhurst: University of New Orleans, science education. I would like to briefly summarize some of the points that I believe have been made. First, all the science organizations,

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locally and nationally, statewide and the science teachers organizations are opposed to the bill. The science community from the various universities, especially the one I represent from the city of New Orleans, is very much opposed to the legislation. Contrary to what has been said, local, national polls show little support for this type of legislation. We would seriously question the validity of the Shreveport survey that was conducted as Senator Keith mentioned. The suit that was filed yesterday in Arkansas appears to have wide support from various groups in Arkansas, legislators, religious leaders, parents, concerned citizens, etc.

Senator Nelson: Who filed that suit?

[EXHIBIT E-A(9)]

Dr. Bisenhurst: The PCLU I believe.

Senator Nelson: So they joined in with the other groups?

Dr. Bisenhurst: I believe its a coalition of several different groups.

Senator Nelson: I have a copy of the law suit. Reverend Bill McLead, Bishop Ken Hicks, Rt. Reverend Donavan, its a list of all the plaintiffs in the suit.

Senator Brinkhaus: Do they challenge the constitutionality?

Senator Nelson: National Biology Association, American Jewish Committee, Presbyterians, a large number of religious and scientific leaders.

Dr. Bisenhurst: So it would appear that there is little support from the religious community, nationally or in Louisiana. Who is in favor of the

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legislation? It would appear that there is a relatively small number of individuals who have tried similar legislation over a long period of time. These individuals or the movement is now called scientific creationism. Most important issues is their attempt to equate creation theory with scientific theory. The two theories as has been said, are quite different. Scientific theory should be able to be proved false, the wealth of evidence today has not done so. I am personally not aware of the wealth of evidence of creationism that Dr. Burtrell speaks of. The attempt to discredit evolutionary theory is not evidence. Creationism as a theory cannot be falsified. It is not a scientific theory in any sense. Thank you. [11]

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Senator Nelson: Mr. Chairman, I recognized that our time is up. I would request that you read the cards and ask the person that's here to stand and identify themselves as to just show who is present and in opposition to the bill but did not have an opportunity to speak.

Senator Brinkhaus: The next person on the list is Nicholas Candelace, American Association of (word?).

Mr. Candidae: Yes sir, I'm Nicholas Candidae, and I represent the oldest and largest association of university professors in the country and also the Louisiana Conference of the AAUP and we are opposed to this bill on academic freedom grounds.

Senator Brinkhaus: Thank you sir, Dr. Miles Richardson of the American Anthropological Association, headquar-

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tered in Washington, D.C. at LSU Baton Rouge. In opposition sir?

Dr. Richardson: Yes sir, the anthropological Association has over 30,000 members that represent anthropologists throughout the country, and we are opposed to this legislation.

Senator Brinkhaus: Thank you sir. Dr. Estes Armstrong.

Dr. Armstrong: I teach anatomy at the LSU medical center, I represent myself and I am opposed to this legislation.

Senator Brinkhaus: Thank you mam. Dr. Elizabeth Watts.

Dr. Watts: I am associate director anthropology, Tulane and I am opposed to this legislation.

Senator Brinkhaus: Thank you. Mr. J. Edwards, Department of anthropology LSU.

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Mr. Edwards: I'm associate professor of anthropology at LSU. I believe that the effect of this legislation will undermine the respect for science in the school children in the state.

Senator Brinkhaus: Reverend Philip Woodland, University United Mehtodist Church.

Reverend Woodland: Philip Woodland representing myself opposed to the legislation.

Senator Brinkhaus: Thank you. Senator Nelson.

Senator Nelson: Mr. Chairman, I just want to thank the committee for allowing all these witnesses to testify and I appreciate your patience and privilege of letting all these witnesses come and express their views. I am also opposed to the bill.

[EXHIBIT E-A(9)]

Senator Brinkhaus: Thank you Senator Nelson. Members of the committee I'm trying to recall what the time element was, Ms. Burkhurt. Ms. Burkhart, how much of the time was used? Right on the 35 [12] minutes.

Ms. Burkhart: Yes sir, they -

Senator Brinkhaus: Next question, how much time did we allow for (word?)

Ms. Burkhart: 5 minutes.

Senator Brinkhaus: Five minutes for closing. Senator Bares has asked if we will consider amendments at this time.

Senator Keith: Senator can I request that the committee wait until we make our closing remarks if it would be your pleasure?

Senator Brinkhaus: Yes sir, we can do that if you will hold -

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Senator Keith: There have been quite an array of people who have been here today to speak against the scientific creationism bill, but I would also like to recognize those who are in favor of it today, and if you would stand up and if you're not sitting, raise your hand if you're here and in support of this bill today and I would like for Dr. Boudreaux, Dr. Young and Dr. Harlow, if you would come join me here at the speakers table please.

Senator Brinkhaus: Senator Keith, Ms. Burkhart indicated that we have an allocation for closing last week of 5 minutes. We will give some leeway on that. I think we're doing well with our time. As I recall we go into session at 11:30. But I want to assure that I'm going to do everything I can to stop us from going on into 11:30 in the sense of

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presentation, opposition, or closing, but we will give you some leeway in connection with the 5 minutes in terms of uninterrupted time. If you're ready to go ahead.

Senator Keith: Mr. Chairman and members of the committee I do not intend to ask the gentlemen with me at the speakers table to address you today. I only point out the fact that here are three gentlemen from the scientific community, Dr. Edward Boudreaux, an internationally known chemist from the University of New Orleans; Dr. Charles Harlow, Dr. Myron Young, in the scientific community at LSU Baton Rouge. I only mention this to point out to you that there is of course a disagreement on the subject of creationism and evolution. Now you've heard people this morning that have addressed you and told

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you that I am talking about religion rather than science. But if these gentlemen, and you've heard them in our hearings in days gone by, these gentlemen who are sitting here with me today would say just the opposite. That creation science is a bona fide science. Last week I gave you a paper that listed some telephone interviews that I had with Dr. John Moore, a natural science professor at Michigan State University, Dr. Thomas Barnes, professor of business at Texas University, and Dr. Robert Jastrow an astronomer from Columbia University and others that I listed on that sheet that I gave you. Dr. [13] Barnes and Dr. Moore are creation scientists. They say there is a scientific discipline known as creation science and they say that it is better science than evolution science. Now

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what have we had here today? One of the gentlemen, Mr. Kent tried to build a case for the fact that this is science vs. religion and there's been a regular parade of pastors and religious workers that came here today, voicing their opposition on this bill. Gentlemen, I could have produced 3,000 pastors who have endorsed this bill in this state I could have had them here today. I have never had a pastor testify on behalf of this bill because I do not think it's a religious issue. I think it is a scientific issue and I believe that it does great wrong to try and make this a religious issue. Now what about people in other groups, the question was raised this morning, what about the other groups that have concepts of origins. I would just simply state that in my studies I have learned and I have found

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that 99% of the people of this world hold to one or two concepts of origins or a combination of those two. They either believe in evolution or creation or a combination of the two. This is not a problem as it's been stated here this morning. Someone said that this is a red herring of the crudest sort, to try to say that humanism is a religion. Gentlemen, let me tell you this. There are two religions in this world and secular humanism is one of them. And on three different occasions the U. S. Supreme Court has declared secular humanism to be a bona fide religion. Religous humanism is actually entitled in the state of Illinois as a religion, and I would only remind you gentlemen that evolution is the cornerstone of that religion. Regardless of what these people say, the U.S. Supreme Court

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disagrees with them and says that secular humanism, religious humanism, is a bona fide religion, it meets all the criteria for a religion. Now, somebody told us that this was going to cost us 6, 8, 10, no telling how much money, a million dollars to put this into effect. I spoke with Senator Holstead, who is a methodist layman, insurance salesman, and Senator Holstead up in Arkansas, I wish he could have been here this morning to be able to testify on the bill. Senator Holstead simply said this. In Arkansas, there are discretionary funds available to take care of the cost of implementing scientific creationism. In this stage the science book cycle does not change until 1986, that would give us until that time to be able to implement this program. But in the meantime these

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discretionary funds are available. One gentlemen spoke about the polls that show that very, very few people in this country are interested in this program. Let me just say that this gentlemen obviously has not seen the polls. Polls have been taken all over the midwest, and all over other areas of this nation and the polls have never dropped below 75% of the people that favor the balanced treatment. Now let me just remind you of just two or three things about this bill. First of all, we are not mandating that scientific creationism be taught. Under no circumstances are we mandating that scientific creationism be taught. We are saying that if evolution is to be taught, that it be balanced out with that scientific data that points to [14] creationism. That's all we're saying.

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If the school board chooses not to teach evolution, they'll have no requirement to teach scientific creationism. But if they choose to teach evolution, then they would be required to teach scientific creationism. Now, I want to mention two or three other things, and then I will close. A nobel prize winning chemist at the University of California once explained his views on evolution, and this is what he said. In 1962 all of us who study the origin of life find that the more we look into it the more we feel it is too complex to have evolved from anywhere. Another Nobel Prize winner, Sir John Echols, in 1963 was talking about the possibility, the probability of evolution and gentlemen, he said that if you put in the improbability of life not being created by an intelligent mind at 400

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thousand trillion, trillion, trillion, to one. This is what creation scientists are trying to tell us today. I would just read one other item here from Newsweek Magazine and the science column of November 3 of last year. It's discussing a meeting at the Chicago Museum of Natural History of 160 of the world's top paleontologists, anatomyists, evolutionists, and developmental biologists, and here is what they overwhelmingly said. "Evidence from fossils now points overwhelmingly away from the classical Darwinism Theory which most Americans learned in high school. Gentlemen that was just last year. I want to repeat that. It says, evidence from fossils now points overwhelmingly from the classical Darwinism which most Americans learned in high school. This is the

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findings of 160 of some of the greatest scientists in this country. I want to close by asking you just to give me a minute to tell you what creation science is. Now you have heard a parade of speakers this morning who say there is no such thing as creation science. I want to tell you what creation science is. This has been gleaned from scientists from throughout America, from these gentlemen who are setting here with me. Now I want you to listen to what creation science is. First of all, creation scientists believe the second law of thermodynamics points to creation. If I could briefly tell you my understanding of the second law of thermodynamics, it says that energy continually proceeds to lower levels of utility, directional changes in an initially perfect system, are bound to

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be in the direction of imperfection. Now the second law of thermodynamics, and I've had Dr. Beaudreaux explain this to me on different occasions, is a well accepted law in the science field, and it points just the opposite of what evolution teaches. Now, creation scientists have, as part of the cornerstone of their teaching, a second law of thermodynamics. Another point of creation scientists, biogenesis. My understanding that biogenesis is a widely accepted law throughout the world by scientists. Biogenesis simply says that life comes only from life. Biogenesis effectively kills the concept of evolution. But evolutionary teachers will not admit it and will accept it. Mathematics, Dr. Beaudreaux gave you a very, very, detailed presentation last week of the mathematical impossibility

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for [15] evolution. This is what creation scientists are trying to tell us in this world today. Other creation scientists are telling us that it can be proven that the world and the universe had an instant beginning. Even the agnostic, atheistic scientists are telling us that today. And they're making a very valid case for the fact of instateneousness instateneous of the beginning of origin. This is creation science. There are two others. In the area of the fossil records, gentlemen the battleground in the next decade between creationism and evolution is going to be fought in the fossil record. You see, the evolutionist have a very serious problem with the fossil record. That is, that when man appeared in the fossil record he was always a man. He was never part monkey and part man, and

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they have these many generations, sought to find a transitional form or an intermediate form that showed that a man was half monkey and half man. They have never found one yet that stood the test of time and scrutiny. Therefore, creation scientists tell us that the fossil record points to creation and not to evolution. I'll mention the final thing. Dr. John Barnes of the University of Texas has done extensive study, he is a physicist at the University of Texas. He has done extensive study in the study of the earth's magnetic field. Dr. Barnes when I talked to him on the phone the other day said that if he could appear before this group today, he would tell you essentially what he had told a recent meeting of the American Physics Association, that his study of the

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earth's magnetic field unequivocably proves that the earth is not nearly old enough to have accommodated all the concepts that scientists have told us about evolution and that are being taught to our school children today. Gentlemen, I submit to you today, that scientific creationism is a bona fide science. I have enumerated six or seven of the tenets of this bona fide science and yet today its being censored from our classrooms and I'm saying that if we're going to teach evolution, this group of some of the finest scientists in America said that the classical Darwinism, which most students when they are in high school, that the fossils point overwhelmingly away from this. If we are going to continue to teach that then we need to balance it with that

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scientific data that points to creationism.

Senator Brinkhaus: Members of the committee I understand that there are amendments to be offered. Senator Saunders, a question.

Senator Saunders: As you see Dr. Boudreaux political bodies operating in very emotional spheres as opposed to what I think you do in a scientific laboratory where you do research and study. What I'm concerned about and what I'd like you to tell me, is whether you as a scientist feel that it's proper for us as politicians, in an emotional atmosphere, to mandate or legislate on which theory of science they should teach in reference to the theory of academic freedom. If we do that as politicians, do we or do we not violate the theory of academic freedom as you understand it. [16]

Dr. Boudreaux: Well Senator, I do not see that as a violation of that freedom. In fact, what the bill is actually supporting in my opinion is academic freedom. Freedom to teach science objectively in the way that it should be taught and not biasedly. The problem is that evolution is highly biased aspect of supposedly supported scientific evidence. We're saying that creation science which teaches objectively as science the way it really is and whether you were to believe that it's evolutionary or creation, you're not going to prove either one with science. That is going to be an element of faith. But the evidence is the evidence, and that's what science is capable of doing. I would say that such

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a bill is necessary because you're not going to be able to assure that the objectivity of both sides be taught without it. I don't see how, since the majority of the community in the educational field is already biased with evolution, it's going to be impossible to make any inroads the other way without legislation.

Senator Saunders: Do you feel that you have in any way been prohibited from teaching the scientific principles of creationism?

Dr. Boudreaux: In the universities of course, it's a slightly different matter because we have a good bit more freedom. In the high schools, primary secondary schools, I think it is quite a significant matter because the teachers who are taught there are instructed in certain ways to deal with certain

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textroom material, and that material is highly biased toward evolution. In fact I was told just before this hearing this morning that there is a new state adopted biology text which begins with the statement regarding creation as the legend of creation. That to me is really putting it in a bad light, not objective at all. And I would say that with (word?) material focusing primarily on evolution with teachers being instructed only in evolutionary science that there is no leeway without some legislation to have the other option.

Senator Brinkhaus: Senator Picard wanted to make a statement.

Senator Picard: I just wanted to make a couple of comments. First of all, Senator Keith brought this bill up last session and then followed a resolution during the interim, and I

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think I've heard over 20 hours of testimony and heard interesting facts from both the proponents and opponents. Learned a great, great, deal this past year Senator. Only problem is that I'm more confused now than I've ever been before. I would like to commend you for an outstanding presentation this morning. You are very knowledgable and you've done an outstanding job and I know it's coming from the heart.

Senator Byres: Mr. Chairman and members of the committee I have two sets of amendments that they are intended to try to produce some good for the bill and not intended to try to gut it in any way, or defeat the purpose which Senator Keith introduced this bill. [17] The first amendment I would like to introduce would give some definition to the word balanced treatment. There is a good

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bit of reference in the bill to the phrase balanced treatment, there is no definition in it as to what the term balanced treatment means and the way that we would define it would be to say that balance treatment means dividing whatever information and instruction in both creation and evolution models which the classroom teacher determines is necessary and appropriate to provide insight into both theories and view textbooks and other instruction materials available for use in his classroom. That is just the definition that I think Senator Keith ought to be able to go with, I don't know that he's seen it before but I will offer this as a means to have some definition of the phrase "balance treatment", so that we would know exactly what we are talking about when someone looks at the law and

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looks at the bill if it does become law and we would have some ability to determine what it is.

Senator Campbell: Both sides have made very good points and it's been a (word?) just to have been here. In reading these amendments, Senator Bares if you had a feature that - you give the option that the teacher teach what he wants to teach, is that right? If he didn't like the creation theory, she would not teach as much of it as the evolutionary theory.

Senator Bares: Senator Campbell, there is no definition of what is balance treatment in the bill now, so you have no guidelines. You really don't know what that means except what it may mean to one person may mean something entirely to another. This is in order to give some guideline. It

[EXHIBIT E-A(9)]

certainly couldn't be interpreted as being a strict definition of the word because that phrase is almost impossible to identify, specifically to define. What I think you would give some guidance to an instructor or teacher as to what is meant by the law. If someone should challenge that person and say you're teaching evolution and you're not giving equal treatment or balance treatment to the other side, at least the instructor can go to the law and say, alright here is the definition of balance treatment and you would have some guidance.

Senator Campbell: But it means the teacher would say what is necessary. What if they don't think any of it is necessary.

Senator Bares: Well there isn't anything in the law now, in the proposed

[EXHIBIT E-A(9)]

act so I think this is better than nothing.

Senator Brinkhaus: May I suggest something Senator Campbell, and I'm not trying to interrupt you, but to interject if you have a suggestion as to an amplification of a limit, if that's the concern, or a constraint that would be utilized in order to accomplish the desired goal of a fair balance. Is there any further discussion of the amendment. It's an amendment set with 1, 2, 3, 4 and the substence is in the amendment number 1. Is there any objection to the amendment? Hearing none the amendments 1, [18] 2, 3, 4 are submitted just now by Senator Byres are adopted. Senator Byres hands up a set of amendments 1 and 2.

Senator Byres: These amendments, there are two, on page 4, there is a

[EXHIBIT E-A(9)]

definition of what creation science is on line 7. It says creation science means the scientific evidence for creation and inferences for those scientific evidences and it goes on to illustrate several different things that are to be included in the definition of creation science. On line 18 it defines evolution science as that which means the scientific evidence for evolution and inferences for those scientific evidences and then it gives several illustrations of what that means. These two amendments would strike from the bill these different illustrations from both of the definitions. In other words it would leave the definition of creation science as being on line 7 and 8 would strike the rest of the verbage, and the definition of evolution science as being that as contained on line 18

[EXHIBIT E-A(9)]

and 19 would strike the bill, the rest of the illustration from lines 20 through 30. I don't know personally why all of those things are or should be included in the law, I think they ought to be excluded from it. Senator Keith seems to agree with me and certainly I have no experience and no knowledge as to whether this should be all inclusive list. Maybe there are some things that are not included on here that some person smarter than us would have thought of that should have been included, maybe there are some things in here that ought not have been included. I don't know. Whoever drafted the bill evidently had this list and put these in, my amendments would strike those out. I don't think it does any violence to the bill.

[EXHIBIT E-A(9)]

Senator Brinkhaus: Is there any discussion on the amendments. Senator Keith? As I understand it, I was looking at the draft of the working document, rather than the bill itself, it would read creation science means that scientific evidences for creation and inferences from both scientific evidences. And then go on to evolution science means the scientific evidence for evolution and inferences from both scientific evidences.

Senator Byres: Period. Would strike from the law the rest of that language.

Senator Brinkhaus: It would simply delete any discriptive, this thing -

Senator Byers: Inferences about worldwide floods, things like that.

Senator Brinkhaus: ...Hearing none the amendments are adopted. Are there

[EXHIBIT E-A(9)]

any other amendments? Senator Saunders sends up amendments which he gives Senator Keith a copy. Senator Saunders.

Senator Saunders: The first amendment, Senators if you'll look at it, what we're doing is we're deleting all references of the word in the bill to religion, and eliminating the legislative purpose except for academic freedom. We did some of that last week Senator if you will recall. We took out the (word?) about the intention of legislation. I think we had some left in which we didn't [19] eliminate in the first two amendments. I think the most substantive amendment is on page 5 eliminating line 15 and 18 which reads as follows. Treatment of either evolution science or creation science shall be limited to scientific evidences for each model any inferences from those

[EXHIBIT E-A(9)]

scientific evidences and shall not include and religious instruction or reference to religious writing. I think the reason you had that language in the bill is probably for when it goes to court and you can say you're not teaching religion. You might be putting a more severe restriction on the teacher than he has now. A teacher cannot teach religion, but a refernce to a religious book, which is the Bible is not prohibited and if a teacher is teaching and someone asks him a question about what he -then reference to the Bible would not be prohibited today. With the bill as written you might be making more severe restrictions than I think you want to do or that is necessary. Because you would prohibit reference to the Bible or any other religious text. That's the main purpose of that, also

[EXHIBIT E-A(9)]

we're taking out language referring to the reasons that the legislation might be passed, except for academic freedom. I think that would be a part of what you would want to do.

Senator Brinkhaus: Yes Senator Saunders.

Senator Saunders: You are supposed to ask if there are any objections.

Senator Brinkhaus: First, are there any questions from the members of the committee? Senator Keith? Senator Keith has indicated that he has no objections to the amendments offered by Senator Saunders. Is any objection from any member of the committee. Hearing none the amendments are adopted. Senator Saunders offers additional amendments.

Senator Saunders: They are the same amendments we discussed shortly

[EXHIBIT E-A(9)]

last week which Senator Keith had objected some reservations about but I think Senator that after a weeks reflection that you might see that it is very much in keeping with what you want to do and what will perhaps be the best. As a member of the education committee we often have objections from the education community about us telling them how to teach in their classrooms. They say that is academic freedom. We discussed shortly last week that some of the principles that you then enumerated that was taken out, but at least some of the principles of scientific creationisim, such as worldwide floods, are properly taught in a science class, but are not the material you teach in a biology class. The same is true as some of the material being taught in astronomy. The study of the stars,

[EXHIBIT E-A(9)]

which they don't normally teach in the high schools, if they do they wouldn't teach it in a biology class they would teach it in a science class. You also have the problem in your bill as it's written now, that if a teacher in a science class teaches about flooding, if that's a principle of scientific creationism then he has to start teaching evolution, which he doesn't teach in science class because it's a two-sided thing [20] and you, I believe from the illustrations I've seen, have many principles of science which would be taught in science class which are not biology which immediately activate the requirement that you have to teach them evolution when you talk about astrology or astronomy or geology if you're talking about the principles that are scientific creationism and you're going

[EXHIBIT E-A(9)]

to create a real problem for teachers if you have to start teaching evolution every time you get into that. That, I can tell you is what the teachers will say. I think with this amendment you can still accomplish what you want. You will have an affirmative legislature ascertaining legislative t is completely proper to teach scientific creationism at the same time that they teach biology. You will your academic freedom as well but you at all times have a statement of the legislature that this is completely proper. I would offer that amendment to accomplish that purpose.

Senator Keith: I understand what Senator Saunders is saying here, but I thought that Dr. Boudreaux made a very eloquent statement just five or ten minutes ago to the fact that unless

[EXHIBIT E-A(9)]

there is some legislative mandate that these teachers have shown the propensity in the past to teach only the evolution model and unless there is some encouragement, on the part of the legislature that says to these people that this legislature believes that in addition to teaching children monkeys, that we ought to also give that scientific data. Right now they're only teaching the children that they came from monkeys.

Senator Saunders: Senator Keith, now under the bill it seems to me, one of the amendments with respect to balanced treatment, there is language in other places in the measure that would have it in the sense of if you're going to do evolution then you would do creation.

[EXHIBIT E-A(9)]

Senator Keith: I think that this nullifies that. I think the wording of Senator Saunders' amendment completely nullifies what Senator Bares amended a moment ago.

Senator Saunders: As I recall I haven't scanned the measure since last Thursday. There was a section in there that said that in each of certain classes or courses, if evolution was touched upon or not the word evolution or creation so much as those things which are the composite or the definition thereof, were touched on, then you would trigger off discussion of the other, whether or not you are in astronomy or whatever course. I think that all it is deleting that reference, and as I construed, maybe I'm mistaken, Ms. Burkhart if she has followed the discussion, that the bill without that reference, has a requirement that wherever if it's in mathematics, or physical education, whenever you do touch on creationism or evolution you touch on the other.

Senator Keith: I think that we had that until you received this last [21] amendment.

Senator Saunders: Where would that amendment occur that we're speaking of? That would be Section A? The bill as written would read commencing with the 82-83 school year public schools within this nature will give balanced treatment to creation science and evolution science.

Senator: May give balanced treatment.

Senator Saunders: May give allright. What we're giving is a clear authorization to do what apparently has

[EXHIBIT E-A(9)]

been some problem in doing so that they will have a clear statement to all teachers that it is permissible to teach, in a balanced fashion both evolution and creative science.

Senator Saunders: Well I follow that but in a sense to me to accomplish the purpose that I thought you had done it would delete Section A. I don't know what, if reading this entire material the remainder of the major Section 3705, what that would do to/ it. But to convert shall to may, will in a manner of speaking, make it permissive, I tend to agree although I'm not locked into what Senator Keith has said. That would then make it a nonmandatory thing. As I construed it, apparently I had misunderstood the thrust of that section of your amendment. Rather than change shall to may I would try to accomplish

[EXHIBIT E-A(9)]

your goal of not requiring that in each class where something is - that the specifics of this that we have it that if they do then they shall do the other.

Senator Campbell: That's what Senator Keith is attempting to do. He is not saying that either one should be taught or would be taught, he's saying the bill that is presently just before us, that if you do one you must do the other. What John is saying is if you do one you may do the other. But it would be a clear statement of the principle of the law that would for the first time identify what creation science is as compared to evolution science and there would be at least some reference in the law, which there is no reference to now. That would be the difference to what we have now and what we would pass if we passed this one.

[EXHIBIT E-A(9)]

Senator Keith: I oppose this amendment of course as I think it does injustice to the bill.

Senator Saunders: I think we'll all agree that you crawl before you walk. I would urge passage of the amendment Mr. Chairman. Senator Keith objects, which I think means Senator Campbell objects.

Senator Keith: Thank you for the complication. I have very effectively assisted some time as the vice-chairman of the committee on Education -

Senator Bares: I'm going to vote for Senator Saunders' amendment, I know it's [22] not to the liking of Senator Keith and the proponents of this legislation, however this is an extremely controversial subject matter as we all know by now and one that's very emotional. I get different vibes

[EXHIBIT E-A(9)]

from people in the district probably equally from those who are for it as from those who are opposed to it. I think that if we are going to do something so dramatic and put something so dramatic in our law, and maybe we ought to do it, then maybe we ought to, as Senator Saunders said crawl before we walk or run or go full steam ahead in this and the only way that I could support the legislation would be with this kind of language which would clearly make it permissive to say that it may be done, and then I think if the idea if meritorious, if it's one that works well in our schools, then we can make it manadoty later on. But I do not think that it should be mandatory at this point, and will not vote for the bill unless this kind of amendment is adopted to it.

[EXHIBIT E-A(9)]

Senator Keith: Senator I appreciate very much your opinion on the subject and I know that it comes from an honest concept of the proceedings here today. I would just remind the Senator from Lafayette, that in this meeting that I read from in Chicago, where it said that 160 of the greatest scientists in the America, told us that evolution is no longer a viable teaching. We do not give them the permission to teach evolution in our schools. It's in all our textbooks, if they're going to teach the textbooks, they will have to teach evolution. And yet Senator, they're teaching something that's just as phony as it can be. It's nothing but a myth and these scientists back up what I have to say. Yet, we're not willing in the light of the fact that it's nothing more than a myth and a hoax, we're not willing to say, let's balance it out with scientific data that points to creation and mandate that they do it. I just wanted to remind you of what that situation puts this legislature in.

Senator Brinkhaus: Thank you Senator Keith. Did you make the objection Senator Campbell.

Senator Campbell: Mr. Saunders made it for me and I agree.

Senator Brinkhaus: He eagerly anticipates statements of position as well as action. Senator Saunder has moved adoption of a set of amendments. Are they separable, or take them as a whole. They are one. To which Senator Campbell has objection. Call the roll please.

Ms. Amphion: Senator Bares Yes
Senator Campbell No
Senator McLeod

[EXHIBIT E-A(9)]

Senator Picard Yes

Senator Randolph Yes

Senator Saunders Yes

4 Yes, 1 no. [23]

Senator Brinkhaus: Senator McLeod will vote yes. I was going to announce that he had stepped over to another committee to present a bill which he had, now he has again. The amendments are adopted. Are there any further amendments? What is your pleasure members of the committee?

Senator Bares: I move that the amendment be recorded favorably.

Ms. Burkhart: Senator Brinkhaus may I ask if I am to conclude that the amendments adopted last week are still -

[EXHIBIT E-A(9)]

Senator Brinkhaus: Yes, unless there would be a particular reason that you are telling us that they are not -

Ms. Burkhart: No they were adopted last week.

Senator Saunders: I'm going to move to reconsider the amendments adopted last week, and make amendments so that they will ducktail with the ones we just adopted.

Senator Brinkhaus: As I understand, the sense of Senatotr Saunders amendment is that what he is doing is moving that we reconsider the amendments that we adopted last week for the sole purpose of having them reconsidered from the viewpoint of tying them in technically with those adopted today.

Senator Saunders: That is to make them permissive as the rest of them are permissive.

[EXHIBIT E-A(9)]

Senator Brinkhaus: Can you do that Diane.

Ms. Burkhart: Yes.

Senator Brinkhaus: Does the committee understand the sense of the -

Senator: I would like for you to tell me what he did or what he's doing.

Senator Brinkhaus: What we have done today as I understand it, is adopted amendments that would make the measure permissive. In view of that, what he is suggesting is that we reconsider the vote by which we adopted the amendments last Thursday for the purpose of having them tie in technically as well as to the substance of causing them to be likewise, if they're needed, permissive. It would be in the nature of a technical amendment to make them coincide so that the bill

[EXHIBIT E-A(9)]

would be within the sense of that which we have done today. Ms. Burkhart.

Senator Keith: Gentlemen, while you're waiting for that, I would like to address the committee one more time and thank you for the patience you've had this last year, and answered all the mail that you've had on this subject and I want to say that it's such a fine committee and I appreciate all of you very much and appreciate you giving us this time here today. [24]

Senator Saunders: We changed the shall to may last week.

Senator Brinkhaus: Senator Saunders will you spare us the details and tell us the technical -

Senator Saunders: What it does, the amendments that was adopted last would now be permissive if the rest of

[EXHIBIT E-A(9)]

the bill would be permissive rather than mandatory.

Senator Brinkhaus: So what you're offering is a set of the amendments from last week to be reconsidered and reoffering them and changing basically shall to may where it occurred in any other sense to convert it from a mandatory to permissive. Is any objection to the amendment.

Senator Campbell: I want to ask a question. John what this amendment basically does, is sort of really, say the least, water this bill down, and I'm not saying what you did to it, but what has been done.

Senator Saunders: Senator what it does it is makes an affirmative statement of the legislature that school teachers may teach scientific creationism. It does not make any

[EXHIBIT E-A(9)]

mandatory scheme that a supervisor has to stay in a classroom with a stopwatch to make sure she gets as much of one as the other. Then if that's watering it down, then it's watered down. But the amendment makes it all the same.

Senator Brinkhaus: Senator Saunders has moved that we correct the amendments of last week that were adopted to make permissive that which was there heretofore mandatory. Is there any objection to it? Senator Campbell?

Senator Campbell: Yes, I object.

Senator Brinkhaus: Senator Campbell objects. Call the roll please.

Ms. Amphion: Senator Bares Yes
Senator Campbell No
Senator McLeod Yes
Senator Picard Yes
Senator Randolph Yes

[EXHIBIT E-A(9)]

Senator Saunders Yes

Senator Brinkhaus: Five to one the amendments are adopted. Is there any other thing we should do with the measure in order to - technical or anything.

Senator: This is not going to be called the stop watch deal huh?

Senator Brinkhaus: Lord knows what they shall call it. Is there a motion from the committee? Senator Campbell? Is there a motion for the committee in respect to report on the measure as amended? My question is, do you want to make a motion. [25]

Senator Saunders: I'll make a motion for a favorable report on the bill as amended.

Senator Brinkhaus: Senator Saunders has moved that the bill SB 86

[EXHIBIT E-A(9)]

by Senator Keith, as amended be reported favorably. Is there any objection to the favorable report? To which motion Senator McLeod has made a substitute motion that the measure be reported as amended without action. I am corrected, in the sense of amendments, the measure may not be reported without action as amended, it can simply be reported without action. Senator McLeod has withdrawn his substitute motion which reverts us to the main motion which was to report SB 86 by Senator Keith favorably as amended. Is there any objection to the motion? Hearing none the motion is adopted.

Senator Keith: Thank you gentlemen.

[CERTIFICATION OMITTED]

[EXHIBIT E-A(10)]

[1] SENATE COMMITTEE AMENDMENTS

Amendments Proposed by Senate Committee on Education to Senate Bill No. 86 by Mr. Keith

AMENDMENT NO. 1:

On page 1, line 4, after the word "through" delete the figure "R.S. 17:3706" and insert in lieu thereof the figure "R.S. 17:3707"

AMENDMENT NO. 2:

On page 1, line 6 delete the word "require" and insert in lieu thereof the word "permit" and after the word and semicolon "treatment;" delete the remainder of the line and delete lines 7 through 9 in their entirety and on line 10 delete the words and semicolon "concerning origins;"

AMENDMENT NO. 3:

[EXHIBIT E-A(10)]

On page 1, line 12 and 13, delete "and legislative findings of fact" and insert in lieu thereof the comma and words ", to provide relative to inservice teacher training and materials acquisition, to provide relative to curriculum development"

AMENDMENT NO. 4:

On page 1, line 16, delete the figure "3706" and insert in lieu thereof "3707"

AMENDMENT NO. 5:

On page 2, line 1, after the word "freedom" insert a period "." and delete the remainder of the line and delete lines 2 through 35 in their entirety and delete page 3 in its entirety and on page 4, delete lines 1 through 3 in their entirety

AMENDMENT NO. 6:

On page 4, line 4, delete the figure "3707" and insert in lieu thereof "3703"

[EXHIBIT E-A(10)]

AMENDMENT NO. 7:

On page 4, between lines 6 and 7 insert the following:

"(1) "Balanced Treatment" means providing whatever information and instruction in both creation and evolution models the classroom teacher determines is necessary and appropriate to provide insight into both theories in view of the textbooks and other instructional materials available for use in his classroom." [2]

AMENDMENT NO. 8:

On page 4, line 7, delete the figure "(1)" and insert in lieu thereof the figure "(2)"

AMENDMENT NO. 9:

On page 4, line 8, after the word and period "evidences." delete the remainder of the line and delete lines 9 through 17 in their entirety.

[EXHIBIT E-A(10)]

AMENDMENT NO. 10:

On page 4, line 18, delete the figure "(2)" and insert in lieu thereof the figure "(3)"

AMENDMENT NO. 11:

On page 4, delete lines 20 through 30 in their entirety

AMENDMENT NO. 12:

On page 4, line 31, delete the figure "(3)" and insert in lieu thereof the figure "(4)"

AMENDMENT NO. 13:

On page 5, line 1, delete the figure "3705" and insert in lieu thereof the figure "3704" and delete the word "Requirement" and insert in lieu thereof the word "Authorization" and delete the word "prohibition" and on line 2 delete the words and semicolon "against religious instruction;"

AMENDMENT NO. 14:

[EXHIBIT E-A(10)]

On page 5, line 5, delete the word "shall" and insert in lieu thereof the word "may"

AMENDMENT NO. 15:

On page 5, line 7, delete the word "shall" and insert in lieu thereof the word "may"

AMENDMENT NO. 16:

On page 5, delete lines 15 through line 18 in their entirety

AMENDMENT NO. 17:

On page 5, line 19, delete the letters "C" and insert in lieu thereof the letter "B"

* * * *

[3]

REGULAR SESSION, 1981

[EXHIBIT E-A(10)]

Senate Bill No. 86

By Mr. Keith

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3707, relative to balanced treatment of creation-science and evolution-science in public schools, to permit such balanced treatment; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose, to provide relative to inservice teacher training and materials acquisition, to provide relative to curriculum

[EXHIBIT E-A(10)]

development, and other wise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 30 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of sections 3701 through 3707, is hereby enacted to read as follows:

CHAPTER 30. BALANCED TREATMENT FOR CREATION-SCIENCE AND EVOLUTION-SCIENCE IN PUBLIC SCHOOL INSTRUCTION

Section 3701. Short title

This Chapter shall be known as the "Balanced Treatment for Creation-Science and Evolution-Science Act."

Section 3702. Purpose

This Chapter is enacted for the purposes of protecting academic freedom.

[4]

[EXHIBIT E-A(10)]

Section 3703. Definitions

As used in this Chapter, unless otherwise clearly indicated, these terms have the following meanings:

(1) "Balanced Treatment" means providing whastever information and instruction in both creation and evolution models the classroom teacher determines is necessary and appropriate to provide insight into both theories in view of the textbooks and other instructional materials available for use in his classroom.

(2) "Creation-science" means the scientific evidences for creation and inferences from those scientific evidences.

(3) "Evolution-science" means the scientific evidences for evolution and inferences from those scientific evidences.

[EXHIBIT E-A(10)]

(4) "Public Schools" mean public secondary and elementary schools.

Section 3704. Authorization for balanced treatment; requirement for nondiscrimination

A. Commencing with the 1982-1983 school year, public schools within this state may give balanced treatment to creation-science and to evolution-science. Balanced treatment of these two models may be given in classroom lectures taken as a whole for each course, in textbook materials taken as a whole for each course, in library materials taken as a whole for the sciences and taken as a whole for the humanities, and in other educational programs in public schools, to the extent that such lectures, textbooks, library materials, or educational programs deal in any way with the subject of the origin of man, life, the earth, or the universe.

B. Public schools within this state and their personnel shall not discriminate by reducing the grade of a student or by singling out and publicly criticizing any student who demonstrates a satisfactory understanding of both evolution-science or creation-science and who accepts or rejects either model in whole or part.

Section 3705. Clarifications

This Chapter does not require any instruction in the subject of origins, but simply permits instruction in both scientific models (of evolution-science and creation-science) if public schools choose [5] to teach either. This Chapter does not require each individual textbook or library book to give balanced treatment to the models of

[EXHIBIT E-A(10)]

evolution-science and creation-science; it does not require any school books to be discarded. This Chapter does not require each individual classroom lecture in a course to give such balanced treatment, but simply permits the lectures as a whole to give balanced treatment; it permits some lectures to present evolution-science and other lectures to present creation-science.

Section 3706. Funding of inservice training and materials acquisition

Any public school that elects to present any model of origins may use existing teacher inservice training funds to prepare teachers of public school courses presenting any model of origins to give balanced treatment to the creation-science model and the evolution-science model. Existing library acquisition funds may be used to

[EXHIBIT E-A(10)]

purchase non-religious library books as are necessary to give balanced treatment to the creation-science model and the evolution-science model.

Section 3707. Curriculum development.

A. Each city and parish school board may develop and provide to each public school classroom teacher in the system a curriculum guide on presentation of creation-science.

B. The Governor may designate seven creation-scientists who shall provide resource services in the development of curriculum guides to any city or parish school board upon request. Each such creation-scientist shall be designated from among the full-time faculty members teaching in any college and university in Louisiana. These creation-scientists shall serve at

[EXHIBIT E-A(10)]

the pleasure of the Governor and without compensation.

Section 2. If any provision or item of this act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

* * * *

[6] SENATE FLOOR AMENDMENTS

[EXHIBIT E-A(10)]

Amendments proposed by Mr. Richey
to Senate Bill No. 86 by Mr. Keith
Amend engrossed bill as follows:

Amendment #1 Add Senator Richey as a co-author

* * * *

[7] SENATE FLOOR AMENDMENTS

Amendments proposed by Mr. Nunez on behalf of the Legislative Bureau to Senate Bill. No. 86 by Mr. Keith

Amend engrossed bill as follows:

AMENDMENT NO. 1

[EXHIBIT E-A(10)]

Page 1, Line 5, - Change "require" to "permit"

AMENDMENT NO. 2

Page 1, Lines 6, 7, and 8 - Change the semicolons to commas

AMENDMENT NO. 3

Page 2, Line 34 - After "origins" delete the comma

AMENDMENT NO. 4

Page 3, Line 6 - After "treatment" delete the comma

* * * *

[8]

REGULAR SESSION, 1981

Senate Bill No. 86

By Messrs. Keith and Richey

[EXHIBIT E-A(10)]

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3707, relative to balanced treatment of creation-science and evolution-science in public schools, to permit such balanced treatment, to bar discrimination on the basis of creationist or evolutionist belief, to provide definitions and clarifications, to declare the legislative purpose, to provide relative to inservice teacher training and materials acquisition, to provide relative to curriculum development, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

[EXHIBIT E-A(10)]

Section 1. Chapter 30 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of Sections 3701 through 3707, is hereby enacted to read as follows:

CHAPTER 30. BALANCED TREATMENT FOR CREATION- SCIENCE AND EVOLUTION-SCIENCE IN PUBLIC SCHOOL INSTRUCTION

Section 3701. Short title

This Chapter shall be known as the "Balanced Treatment for Creation-Science and Evolution-Science Act."

Section 3702. Purpose

This Chapter is enacted for the purposes of protecting academic freedom. [9]

Section 3703. Definitions

[EXHIBIT E-A(10)]

As used in this Chapter, unless otherwise clearly indicated, these terms have the following meanings:

(1) "Balanced Treatment" means providing whatever information and instruction in both creation and evolution models the classroom teacher determines is necessary and appropriate to provide insight into both theories in view of the textbooks and other instructional materials available for use in his classroom.

(2) "Creation-science" means the scientific evidences for creation and inferences from those scientific evidences.

(3) "Evolution-science" means the scientific evidences for evolution and inferences from those scientific evidences.

[EXHIBIT E-A(10)]

(4) "Public Schools" mean public secondary and elementary schools.

Section 3704. Authorization for balanced treatment; requirement for nondiscrimination

A. Commencing with the 1982-1983 school year, public schools within this state may give balanced treatment to creation-science and to evolution-science. Balanced treatment of these two models may be given in classroom lectures taken as a whole for each course, in textbook materials taken as a whole for each course, in library materials taken as a whole for the sciences and taken as a whole for the humanities, and in other educational programs in public schools, to the extent that such lectures, textbooks, library materials, or educational programs deal in any way with the

[EXHIBIT E-A(10)]

subject of the origin of man, life, the earth, or the universe.

B. Public schools within this state and their personnel shall not discriminate by reducing the grade of a student or by singling out and publicly criticizing any student who demonstrates a satisfactory understanding of both evolution-science or creation-science and who accepts or rejects either model in whole or part.

Section 3705. Clarifications

This Chapter does not require any instruction in the subject of origins, but simply permits instruction in both scientific models (of evolution-science and creation-science) if public schools choose [10] to teach either. This Chapter does not require each individual textbook or library book to give balanced treatment to the models of

[EXHIBIT E-A(10)]

evolution-science and creation-science; it does not require any school books to be discarded. This Chapter does not require each individual classroom lecture in a course to give such balanced treatment, but simply permits the lectures as a whole to give balanced treatment; it permits some lectures to present evolution-science and other lectures to present creation-science.

Section 3706. Funding of inservice training and materials acquisition

Any public school that elects to present any model of origins may use existing teacher inservice training funds to prepare teachers of public school courses presenting any model of origins to give balanced treatment to the creation-science model and the evolution-science model. Existing library acquisition funds may be used to

[EXHIBIT E-A(10)]

purchase nonreligious library books as are necessary to give balanced treatment to the creation-science model and the evolution-science model.

Section 3707. Curriculum development.

A. Each city and parish school board may develop and provide to each public school classroom teacher in the system a curriculum guide on presentation of creation-science.

B. The Governor may designate seven creation-scientists who shall provide resource services in the development of curriculum guides to any city or parish school board upon request. Each such creation-scientist shall be designated from among the full-time faculty members teaching in any college and university in Louisiana. These creation-scientists shall serve at

[EXHIBIT E-A(10)]

the pleasure of the Governor and without compensation.

Section 2. If any provision or item of this act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

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